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Report to the Colorado General Assembly:

ORGANIZATION OF STATE GOVERNMENT



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 149

December 1969

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OF THE
COLORADO GENERAL ASSEMBLY

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Speaker

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Fay DeBerard,
Vice Chairman
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Vincent Massari
Ruth Stockton
Mark Hogan,
Lt. Governor

* * * * *

The Legislative Council, which is composed of five Senators, six Representatives, and the presiding officers of the two houses, serves as a continuing research agency for the legislature through the maintenance of a trained staff. Between sessions, research activities are concentrated on the study of relatively broad problems formally proposed by legislators, and the publication and distribution of factual reports to aid in their solution.

During the sessions, the emphasis is on supplying legislators, on individual request, with personal memoranda, providing them with information needed to handle their own legislative problems. Reports and memoranda both give pertinent data in the form of facts, figures, arguments, and alternatives.

**ORGANIZATION OF STATE
GOVERNMENT**

**Legislative Council
Report To The
Colorado General
Assembly**

**Research Publication No. 149
December, 1969**

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LEGISLATIVE COUNCIL

ROOM 46 STATE CAPITOL
DENVER, COLORADO 80203
892-2285
AREA CODE 303

December 10, 1969

To Members of the Forty-seventh Colorado General Assembly:

In accordance with the provisions of House Joint Resolution No. 1034, 1969 Session, the Legislative Council submits the accompanying progress report relating to the organization of state government in Colorado.

The Committee appointed by the Legislative Council to conduct the study reported its findings and recommendations to the Council on December 15, 1969. At that time, the progress report was adopted by the Legislative Council for transmission to the Governor and the Second Regular Session of the Forty-seventh General Assembly.

Respectfully submitted,

/s/ Representative C. P. (Doc) Lamb
Chairman

CPL/mp

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REP. CLARENCE QUINLAN

December 10, 1969

Representative C. P. (Doc) Lamb
Chairman
Colorado Legislative Council
Room 46, State Capitol
Denver, Colorado 80203

Dear Mr. Chairman:

Your Committee on Organization of State Government herewith submits its progress report for consideration by the Legislative Council. The Committee's findings and recommendations cover the areas of study assigned by H.J.R. 1034 and the special assignments given the Committee by the Legislative Council.

A number of bills are recommended by the Committee. One bill strengthens the Commission on Higher Education. A group of bills implement the recommendations of the Governor's Committee on Government Efficiency and Economy. Finally, in the implementation of the joint election of Governor and Lieutenant Governor, the Committee suggests a single measure for the General Assembly's consideration.

The Committee directed the staff to prepare this report following its final meeting; however, not all members of the Committee have had an opportunity to review the report in its entirety.

Respectfully submitted,

/s/ Representative John Vanderhoof
Chairman
Committee on Organization of
State Government

JV/mp

FOREWORD

House Joint Resolution No. 1034, 1969 Session, directed the Legislative Council to appoint a committee to continue the studies commenced by the Committee on Organization of State Government, including a review of the recommendations of the Governor's Efficiency and Economy Report requiring statutory or constitutional change. The Legislative Council assigned two other topics to the Committee, namely, an examination of the problems of higher education including the roles of the Commission on Higher Education and the various governing boards, and the activities of state institutions in intercollegiate athletics; and a study of the existing laws governing the field of health care and an examination of the need for reducing the number of licensing boards. The following members of the General Assembly were appointed to serve on the interim Committee on Organization of State Government:

Representative John Vanderhoof,
Chairman
Senator William Armstrong,
Vice-Chairman
Senator Roger Cisneros
Senator Allen Dines
Senator Carl Williams

Representative Forrest Burns
Representative John Fuhr
Representative Tom Neal

In addition to the study areas assigned to the Organization of State Government Committee in H.J.R. 1034 and by the Legislative Council at the beginning of the interim, midway through the interim, the Legislative Council directed the Committee to study the intercollegiate athletic deficit at Colorado State University. The Committee also concerned itself with the implementation of the joint election of Governor and Lieutenant Governor.

During this first year of study, over a period of ten meeting days work has been done in all of the Committee's assigned areas of jurisdiction. A number of bills are recommended by the Committee for legislative consideration.

The Committee wishes to express its appreciation to the many individuals who appeared before the Committee. The Committee would especially like to thank Dr. Frank Abbott, Executive Director, Commission on Higher Education, for his assistance in the Committee's discussion of the coordination and administration of higher education. During the Committee's discussion of the intercollegiate athletics deficit at Colorado State University, Mr. Chuck Terrell, Secretary, State Board of Agriculture, and Mr. J. R. Hehn, Treasurer, State Board of Agriculture, both spent considerable time in assisting the Committee.

David Hite, Research Associate, Legislative Council staff, had the primary responsibility for the staff work and the preparation of this report. Mr. James Wilson, Director of the Legislative Drafting Office, provided bill drafting and other legal services.

December 10, 1969

Lyle C. Kyle
Director

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COMMITTEE FINDINGS AND RECOMMENDATIONS

House Joint Resolution No. 1034, 1969 Session, directed the Committee on Organization of State Government to continue its study of the structure and functioning of state government, including a review of the recommendations of the Governor's Committee on Government Efficiency and Economy requiring statutory or constitutional change. The Legislative Council assigned two other topics to the Committee for study, namely, an examination of the problems of higher education including the roles of the Commission on Higher Education and the various governing boards, and the activities of state institutions in intercollegiate athletics; and a study of the existing laws governing the field of health care and an examination of the need for reducing the number of licensing boards.

The Committee held ten days of meetings during this first interim of its two year study. A list of priorities was agreed upon at the Committee's first meeting. First priority was given to the examination of proposals designed to strengthen the coordination and administration of the state's institutions of higher learning. Second priority was given to the review of the Efficiency and Economy recommendations requiring legislative action. The broad area of licensure and regulation of services in the field of health care was given final priority. In addition, midway through the interim, the Legislative Council directed the Organization Committee to study the intercollegiate athletic deficit at Colorado State University. Still another issue that the Committee concerned itself with was that of implementing the joint election of Governor and Lieutenant Governor.

Coordination and Administration of Higher Education

The Committee examined the coordination and administration of higher education in Colorado with the knowledge that the spiraling costs of education, the increasingly intense competition for the education dollar, the lack of effective coordinative measures by which present and future expenditures for higher education can be contained, make change during the 1970 Session necessary.

Recognizing that there is no national model for the coordination or governance of higher education, the 1969 interim Committee has considered several approaches to the problem: adoption of governing boards for the major sectors -- university, college, and community college; adding to the power of the Commission on Higher Education; giving each institution a separate governing board and strengthening the coordinative power of the

Commission on Higher Education; or instituting a single governing board for all state institutions of higher education.

The Committee agreed that two proposals should be drafted; the first, a statutory provision, would strengthen the functions of the Commission on Higher Education, and the second proposal, a constitutional amendment, would establish three governing boards for the three major sectors of higher education -- the "three-legged stool" concept. After Committee review of the two proposals, a draft of each was sent to the presidents of state colleges and universities, members of the governing boards of the state's colleges and universities, members of the Commission on Higher Education, and other interested persons. Comments and suggestions regarding the proposals were offered at a public hearing in September. Persons speaking on the proposals included the president of the University of Colorado, the president of the Board of Trustees of the School of Mines, the president of the State Board of Agriculture, the president of the Trustees of the State Colleges, and the vice-chairman of the State Board for Community Colleges and Occupational Education. Most of the participants agreed that the coordination of higher education should be strengthened, but there was reluctance on the part of the institutions to relinquish any of their present authority to achieve the desired goal. Committee members have concluded that a bill strengthening the functions of the Commission on Higher Education would best meet the need for greater coordination of higher education in Colorado. As a result, the Committee recommends the adoption of the attached Bill A in the 1970 Session.

In recommending this bill, the Committee is guided by the following:

(1) Systemwide objectives must serve as guidelines in policy making for higher education. The direction of higher education by partisan or myopic viewpoints is bad for Colorado's system of higher education and for the state as a whole.

(2) Neither the Governor nor the General Assembly have the time or the expertise necessary to totally direct the overall planning and coordination of this vast segment of the state's activity. Both branches of state government need a mechanism upon which to rely for an overall assessment of performance from the state's colleges and universities.

(3) A governing board for each sector -- university, college, and community college -- may lead to competition between these sectors for resources as well as for students.

(4) A single governing board for all the state's educational institutions is incompatible with the concept of broadly based lay governance of higher education. Furthermore, authorizing a single governing board to direct Colorado's twenty public

institutions might make successful management of each school quite difficult.

(5) A governing board for each school might well lead to greater competition than now exists among higher education institutions in Colorado.

(6) Of greater importance than the decision of how many boards there should be and how many institutions should be placed under the jurisdiction of these boards, is the decision of how best to recognize and emphasize the total needs of higher education, and channel and coordinate the goals of each institution in a manner that will result in the most efficient and economical method of dividing the higher education dollar.

(7) The framework within which the Commission on Higher Education functions is a viable tool to meet these needs; but currently there is confusion over the relationship between the Commission and the several governing boards, in addition to confusion over the kind of relationship each of these entities should have to the General Assembly. The proposed bill seeks to end this confusion by clarifying and strengthening the role of the Commission and its relationship to the institutions of higher learning.

The proposed bill strengthens the Commission's role in the following ways:

(1) Grants the Commission authority to participate in prescribing the procedures and the forms used by the institutions for appropriation requests;

(2) Gives the Commission authority to participate in prescribing uniform accounting and financial reporting systems for all programs and activities of the state's universities and colleges;

(3) Expands the Commission's authority regarding capital construction and long-range planning;

(4) Grants power to the Commission to review and make recommendations with regards to existing programs;

(5) Authorizes the Commission to develop statewide plans for new programs and institutions;

(6) Grants the Commission power to recommend tuition policies to the General Assembly;

(7) Enlarges the Commission's membership and the membership of its Advisory Committee; and

(8) Gives the Commission authority to approve the appli-

cation of a junior college district desiring to join the state system of community colleges.

Establishment of Uniform Accounting and Financial Reporting Systems, and the Prescription of Appropriation Request Forms. Presently the Commission serves only in a consultative position in the preparation of budget forms; and it has no authority to prescribe the form and content of accounting and financial reports from the state's colleges and universities. The Commission's present statutory assignment in this area is to review operating budget requests from the institutions and provide comments and recommendations to the Governor and the General Assembly through the Joint Budget Committee. Thus, the Commission's current "authority" in the whole area of budget review is only recommendatory at best.

The goal of the proposed bill is three-fold: allow the Commission to establish, with the approval of the budget office, uniform appropriation request forms which would present factors pertinent to higher education; allow the Commission to present the results derived from the uniform forms as a single report to the Governor and to the General Assembly through the Joint Budget Committee; and, with the approval of the state controller, allow the Commission on Higher Education to establish uniform accounting and financial reporting systems which would facilitate the gathering of comparable information from institutions in the area of degree programs, extension services, research efforts, and intercollegiate athletics. The Committee believes that the initiation of such a process would be a positive step toward effectuating overall plans and standards based on common definitions and policies derived from comparable information provided by the institutions of higher learning.

Duties with Respect to Capital Construction and Long-Range Planning. Regarding the Commission's role in the area of capital construction, the proposed bill extends the Commission's authority to include:

- (1) Recommendations regarding sites for programs or other activities requiring capital construction; formerly, the Commission had authority to recommend sites only for the construction of new institutions.
- (2) Establishment of planning standards for space and space utilization.
- (3) Review and approve a master plan for all higher education capital construction, regardless of the source of funds.
- (4) Authorization to allow only that capital construction which is in accordance with a master plan as approved by the Commission.

(5) Approval by the Commission of all acquisitions of real property, whether purchased or by gift.

The bill provides that the Commission may except from the requirements of program planning and physical planning specified categories of projects requiring less than \$100,000 State moneys.

The Committee believes that strengthening the Commission's role in the area of capital construction is of central importance in achieving the goal of a stronger coordinative body. Presently, the Commission is empowered to approve preliminary planning for capital construction projects and, more generally, for long-range construction planning. But the Commission has no real authority or no clearcut authority in the establishment of planning standards for space and space utilization and review and approval of master planning for all higher education projects. Thus, the Commission's current "authority" in the area of capital construction is similar to its current "authority" in the area of budgeting -- persuasive and recommendatory only.

Review of Present and Proposed Programs. The proposed bill gives the Commission the authority to review and approve or disapprove the establishment of any new function not included in the current program of a state college or university. Disapproval will mean that the new "program" -- a new division, major, unit of instruction, and the like -- should not be established.

The Commission is also given authority to review existing units of instruction, research, or public service; but the Commission's authority pursuant to this review is limited to making recommendations to the applicable institution and governing board, and advising the Governor and the General Assembly of these recommendations and the respective actions taken by the applicable institutions and governing boards.

Presently, the Commission's jurisdiction is limited to review and approval or denial of any "new degree program" proposed in the state's colleges or universities. In proposing a broader authority for the Commission, the Committee recognizes that the development of comprehensive higher education programs in the face of the growing educational needs of Colorado residents to meet the changing demands of our technological society means that no single institution can excel in every program offering. This factor, together with a realization that unnecessary duplications in program offerings are far too costly, means that institutions may have to become increasing specialized. To coordinate this trend and provide guidelines within which desirable differences between institutions are maintained, it is necessary that the Commission have authority as provided in the proposed bill.

Development of Statewide Plans. The proposed bill gives the Commission a greater role in comprehensive planning by direct-

ing it to develop statewide plans for higher education. These plans are to include: 1) the establishment of a list of priorities for new schools and new programs; 2) decisions about what roles the state's colleges and universities should play in meeting the higher education needs of the state; and 3) proposals that will strengthen relationships with Colorado's private colleges and universities as part of the educational resources of the state.

The Committee believes this segment of the bill to be a necessary part of the Commission's authorization of broader, long-range planning and coordination of the state's entire higher education resources. The "education explosion" and its effect on the state's priorities and the state's ability to meet educational needs makes an effective statewide plan mandatory.

Recommend Tuition Policies. Current statutes give the governing boards of the state's colleges and universities the authority to determine tuition rates. However, the General Assembly, in effect, sets tuition rates by the amount of appropriation made to each institution. The proposed bill seeks to make the statutory authority accord with existing facts. Thus the bill directs the Commission to make recommendations of tuition policies and levels to the legislature. The proposed language is broad enough to allow the Commission the authority to establish uniform policies on tuition waivers and scholarships, since these policies appear to be different for each institution at the present time.

Increase the Membership of the Commission and the Advisory Committee. The Committee proposes the Commission on Higher Education be increased from its present membership of seven to nine members. The Committee also proposes that the Advisory Committee, presently composed of nine members, be increased by the addition of such other individuals as the Commission on Higher Education shall determine. The present composition of the Advisory Committee includes, by statutory direction, four legislators, and one member from each of the five governing boards. This direction omits segments of the educational community -- representatives of private colleges and student bodies -- that should be represented.

Provide A Method for the Entrance of Institutions Into the State's System of Junior Colleges. The proposed bill stipulates a method for the orderly application by a junior college district and entrance of the institution into the State's system of community colleges. The bill calls for initial application by a district to the State Board for Community Colleges and Occupational Education. Such an application would be reviewed by the community college board and the application and the board's recommendations are then forwarded to the Commission on Higher Education. The bill enumerates the criteria by which the Commission shall consider the application: by whether the entry will promote the orderly development of the state's higher education system, and

whether entrance will promote an effective utilization of the state's financial resources.

After taking this criteria into account, the bill provides that the Commission may approve the application or modify the application and the date of its entry into the State system; or as a second alternative the Commission may deny the application but for a period not to exceed three years.

Financing Intercollegiate Athletics

Committee discussion of the financing of intercollegiate athletics was precipitated by the intercollegiate athletic deficit at Colorado State University and the controversy accompanying that deficit; the broader concern and hope of the Committee was to gain a comprehensive view of state policy, or lack of policy, regarding the financing of intercollegiate programs with General Fund moneys.

To gain a broad perspective of this issue, the Committee met with the State Board of Agriculture, and the administration and student representatives of Colorado State University, as well as with the Joint Budget Committee and the Legislative Audit Committee.

The Colorado State University Issue

Although the Committee may not yet be apprised of all of the facts involved, it is clear that the operating results of the intercollegiate athletic program at C.S.U. during recent years show a rapid growth of expenditures over income. The existence of this problem may have been caused by a combination of factors: C.S.U.'s entrance in the Western Athletic Conference and the increased expenditures that accompanied this move, the construction of an auditorium-gymnasium and a stadium and the improper allocation of moneys to finance the construction and maintenance, estimates of income from the facilities that consistently fall short of expectations, and/or inadequate accounting procedures and the variations in accounting for intercollegiate athletic revenues and expenditures.

While the cause of the problem may remain unclear, the magnitude of the issues was clear to the Committee. One issue involved the \$493,938 operating deficit for intercollegiate athletics. A second issue was an increase in student fees of \$8 per quarter initiated in the fall quarter of 1969 to assist in funding intercollegiate athletic operating expenses and to perhaps fund the deficit.

The nearly \$494,000 deficit apparently has been building for the past few fiscal years. The University's accounting shows the following for fiscal 1967 and fiscal 1968:

<u>Year</u>	<u>Revenue</u>	<u>Expenses</u>	<u>Excess</u>	<u>Ending Fund Balance</u>
1966-67	\$610,179	\$ 602,164	\$ 8,015	\$ 49,021
1967-68	802,106	1,010,223	(208,117)	(159,096)

The University's reports indicate that for fiscal 1968, the financing of the intercollegiate athletics deficit had been made from other fund balances in the auxiliary activities group of accounts, reducing the total equity of that group of accounts by some \$159,000. During the three years preceeding fiscal 1968, some \$338,000 in income from student fees which were earmarked for intercollegiate athletics was used for the University's Athletic Facilities Construction Fund which was incident to the construction of the auditorium-gymnasium and stadium.

Starting in fiscal year 1968, payments were initiated on the construction loan interest or debt service on the auditorium-gymnasium complex and subsequently on the stadium. Allocations from the intercollegiate athletics fund to general administration and physical plant operations were begun at this time. The combination of the allocation of student fee income to construction and rapidly increasing expenditures as the result of debt and overhead payments moved the entire intercollegiate athletic program into a serious deficit position.

To help bolster the intercollegiate athletic budget, and to perhaps reduce the deficit position, an \$8 per quarter increase in student fees was initiated for the fall quarter, 1969. Thus, the established \$36 per academic year student fee was increased to \$60. The estimated revenue increase this year from the new student fees is \$333,783; added to the \$500,675 estimated from a student fee of \$36 per academic year, total revenue from student fees is estimated at \$834,458 for 1969-70. It was reported to the Organization Committee that of the estimated \$333,000 realized from increased student fees, between \$0 and \$50,000 will be used to reduce the present athletic deficit. The amount by which the deficit will be reduced is largely dependent upon such factors as gate receipts and student enrollment.

Student reaction to the fee increase has taken the form of withholding the fee by approximately 75-100 students, and the vote by four colleges within the University to boycott classes at the start of the school's Winter Quarter. How many of the students at Colorado State University will take part in this boycott or how many students will continue to withhold their student fees is unknown.

Suggested Approaches Regarding C.S.U.'s Deficit

During the Committee's consideration of the Colorado State University intercollegiate athletic problem, several suggestions for dealing with the issue were presented for the Committee's study.

Let the Present Situation Continue Until A Broader Understanding of the Problem is Available. It was reported to the Committee that the present deficit can be allowed to "float" until a fuller report on the problem can be presented. Under such a proposal, the nearly \$494,000 deficit would continue to be carried on the University's books, and the student fee increase would remain. Supporters of this proposal suggested that neither the Committee nor any other group has, at the present time, sufficient information to make a determination of what should be done for the short or the long range in solving the problem at Colorado State University or at any other college or university in the State. Thus, until such time as uniform accounting records are initiated and until such time as the Auditor's Office, or any other study group can present a clearer picture of the financial situation at C.S.U. as well as other schools, then the General Assembly should not act to establish what could be regarded as precedent in this area of state appropriations.

Regarding this suggestion, it was reported that the NCAA has developed a detailed questionnaire which is presently being answered by the State's colleges and universities as a beginning step toward the establishment of accounting uniformity. Aside from the NCAA questionnaire, it was reported that a system of standardized accounting procedures for the reporting of revenues and expenditures in intercollegiate athletic programs could be developed in Colorado within a year.

Initiation of an Interstate Athletic Compact. Representative Vanderhoof suggested the need for exploring the availability and feasibility of an interstate intercollegiate athletic compact for the Western states. Such a compact could recommend uniform practices and criteria for limiting intercollegiate athletic expenditures. The object of such a proposal would be to return these programs to an economic level which the states can afford and the students and taxpayers support.

Support by the State as a Percentage of the School's Educational and General Budget or Athletic Budget. Dr. Chamberlain, President of Colorado State University, proposed that the Committee consider a plan whereby the State would support physical education and athletic programs to the amount of 3 percent of the Educational and General budget of the school. If the intercollegiate athletic program and budget is distinct from the budget for non-intercollegiate athletic activities, support at a level of 1 percent of the school's Educational and General budget would be

sufficient, suggested Dr. Chamberlain. Dr. Chamberlain also proposed a "one-time only" appropriation to balance the operating deficit incurred at C.S.U. during fiscal years 1968 and 1969.

Cutback Student Fees and Intercollegiate Athletic Expenditures. The President of the Associated Students of Colorado State University presented for Committee consideration a compromise proposal which would involve the students paying half of the \$24 student fee increase, while the University would reduce its present athletic department budget by \$80,000. The proposal also called for the State to pay the total amount of the existing deficit.

Redeem the Bonds on the Auditorium-Gymnasium Complex. Senator Fred Anderson, a member of the Legislative Audit Committee, suggested that an offer be made to holders of bonds on the auditorium-gymnasium to buy back these bonds. He reported that the State could make such an offer at a price of \$830 per \$1,000 of par value.

Institute a Colorado State University-University of Colorado Football Game. A suggestion was offered concerning the initiating of a C.S.U.-C.U. football game in the Denver area. The revenues realized from such a game were suggested to be substantial.

Appropriate a Sum to Pay for the Proportion That the Auditorium-Gymnasium is Used for Non-intercollegiate Athletic Events. It was suggested that a detailed analysis of the amount of time the auditorium-gymnasium is used by intercollegiate athletics as opposed to general education purposes would assist the Committee in attempting to determine how much General Fund moneys could be used to pay for the instructional use of the auditorium-gymnasium facility. The Committee found that several methods can be used to measure this concept. The Legislative Audit Committee calculated that 83 percent was a correct figure; the University presented figures showing that 85 percent was a correct estimate. The University's table of calculations is found in this report as Table 2 on page 15.

Committee Recommendations on the Colorado State University Issue

Based on the Committee's study of the information made available for its consideration, it was not felt that the Committee could act upon the question of the complete funding of the intercollegiate athletic deficit or the issue of student fees. The lack of complete information regarding the intercollegiate athletic program at Colorado State University, and the lack of comparable information from the State's other colleges and universities does not allow for a complete understanding of the problem.

The Committee does, however, make the following recommendation: The Committee on Organization of State Government believes that the State's General Fund should support 100 percent of the cost of constructing and maintaining the academic portion, including intramural athletics, of the auditorium-gymnasium complex; but General Fund moneys should not be used to support other activities. It appears to the Committee that this policy may not have been followed in the past, and that to some degree General Fund appropriations have been insufficient to fully pay the academic portion of the auditorium-gymnasium. The Organization of State Government Committee therefore recommends that the Joint Budget Committee propose to the General Assembly an appropriation sufficient to implement this policy for the next fiscal year.

The Issue as it Applies to Other Colleges and Universities in Colorado

The Organization Committee has sought to discuss the C.S.U. issue in the context of the broader problem of 1) the categorizing, recording, and reporting of General Fund moneys in such a fashion as to provide a full statement of revenues and expenditures for intercollegiate athletic programs by all colleges and universities; and 2) development of a procedure whereby the General Assembly can more fully understand the financing of intercollegiate athletics, and from such an understanding develop a broadly comprehended state policy on this subject.

As a result of its study, the Committee found that because intercollegiate athletic programs are funded in large part by non-state funds, there is neither overall coordination nor a coherent state policy regarding intercollegiate athletics finances. Consequently, responsibility for these programs rests with the various governing boards.

The lack of a broad state policy in this area is especially serious in light of the fact that what were thought to be accepted guidelines for financing athletic programs have not been totally followed. These guidelines are as follows: Physical education and intramural programs are part of the regular educational program and thus are supported through the Educational and General budget of the state's colleges and universities; intercollegiate athletics, however, are supported chiefly from non-state funds such as gate receipts, student fees, and gifts from alumni. It was reported to the Committee that there are instances of student fees along with other non-state funds being used for the construction of multi-purpose facilities, and other cases in which buildings used for intercollegiate athletics as well as physical education have been paid for with money from the General Fund.

The Committee found that intercollegiate athletics is an expensive program. Of the several million dollars spent on inter-

collegiate athletics each year, it is reported that well over a half million dollars comes from tax sources.

The Committee found that beyond the fact that these programs are costly, exact cost figures are unobtainable because current accounting practices at most State colleges and universities are inadequate, and in all cases, lack the kind of uniformity that provides a full statement of revenues and charges made to intercollegiate athletic accounts. It was reported to the Committee that, for example, aid to athletics from state sources is not always charged to the proper account. Salaries of athletic personnel are often prorated arbitrarily or not at all. It was also reported that there is a wide variation among the institutions in the allocation to athletics, physical education, plant maintenance and other athletic associated accounts.

The Committee found that most intercollegiate athletic policies relating to programs and facilities having an impact upon the General Fund are not formulated with the kind of review that is customarily given to plans and policies in other areas involving expenditure of state money. Thus there is seldom an examination at the state level of major policy determinations such as athletic conference participation, amounts of aid for athletes, or methods of funding athletic facilities.

Committee Recommendations. With regards to this broader issue of the financing of intercollegiate athletics at all of the state's colleges and universities, the Committee suggests that a more extensive study of this issue continue in the future. However, the Committee is of the opinion that a number of general recommendations can be made now to various individuals and groups most closely associated with the problem.

Therefore, the Committee recommends that the Commission on Higher Education and the Division of Accounts and Control give priority to the formulation of uniform accounting procedures for intercollegiate athletics. The Organization Committee has finalized a measure for recommendation to the 1970 General Assembly providing for review of intercollegiate budgets by the Commission on Higher Education, in addition to the establishment of uniform accounting and financial reporting systems, and the prescription of appropriation request forms by the Commission in coordination with the Budget Office. If the General Assembly implements this measure or if it is the decision of any other legislative committee to supplement the bill with additional proposals for the General Assembly's consideration, the initiation of uniform accounting procedures for intercollegiate athletics would facilitate these measures.

The Organization Committee asks the support of the state's universities and colleges in implementing the work on the Commission on Higher Education by compiling and fully accounting for

sources of revenue in addition to expenditures for intercollegiate athletics. Present accounting practices are inadequate to the point that the costs of intercollegiate athletic programs are not known at most colleges and universities in Colorado. It is the intent of the Committee's bill that budget proposals be made by institutions and reviewed at the state level by the Commission on Higher Education.

Finally, the Committee urges the Joint Budget Committee to work toward a line item appropriations for intercollegiate athletics for the 1971 Session of the General Assembly.

Efficiency and Economy Recommendations

During the 1969 legislative session, the Committee on Efficiency and Economy, a blue ribbon committee of Colorado businessmen appointed by the Governor to recommend ways and means of improving the operation of Colorado's state government, released its final reports. The Organization Committee has reviewed the 148 changes in statutory law recommended by the efficiency study. The Committee questioned whether some of the recommendations require legislative action; others were referred to other interim committees when the concern of the recommendation coincided with the area of committee study. In a number of instances, agencies affected by the recommendations were asked to comment on the proposed changes. The Committee believes many of the Efficiency and Economy recommendations have considerable merit and recommend consideration of the following bills:

Bill B -- This bill would abolish the Scientific Development Commission. The General Assembly established the Commission to encourage the federal government to locate a synchrotron particle accelerator in Colorado. The act, as it now stands, is not broad enough to allow the Commission to pursue the promotion of other scientific ventures in Colorado.

Bill C -- This bill would authorize the Executive Director of the Department of Institutions to publicize the availability of space in the women's correctional institution in Canon City, and empower him to enter into contracts with other jurisdictions to house their female inmates. The Efficiency and Economy Report suggests that such a procedure would use the prison to its fullest extent and reduce the cost per capita from the present \$8,000 a year.

Bill D -- This bill would disallow the vendor's fee on delinquent payments of sales taxes. Under the present proviso, every retailer is allowed to retain 3 1/3 percent of the total monthly sales tax he is required to send to the Department of

Revenue. If a person neglects or refuses to make a return, an estimate of the amount due is made, and added to this amount is a penalty equal to 10 percent and interest at the interest at the rate of one percent per month. It is the Committee's feeling that disallowance of the vendor fee on delinquent payments could reduce these delinquencies.

Bill E -- This bill would delete the five percent differential given to goods manufactured in Colorado. Presently, the state purchasing director must accept an in-state bid if it is no more than five percent higher than the lowest out-of-state bid.

The Committee agrees with the Efficiency and Economy Report comment that such a practice "discourages potential out-of-state vendors from bidding; it encourages price increases because those eligible to compete are reduced in number, or because preference is given to a selected few. . .and it invites retaliation by other states to the detriment of Colorado vendors."

Bill F -- This bill would place all drivers licensing functions under the control of the state's Department of Revenue. Presently, Colorado is one of only a few states permitting local administration of driver licensing or driver testing programs. The Efficiency Report suggests that implementation of this recommendation would provide the kind of central control needed to facilitate standardized procedures and more clearly fix responsibility.

Bills G & H -- These bills would abolish the present practice of authorizing the state highway patrol to issue licenses to garages, and to auto and tourist courts. The Efficiency and Economy Report suggested that licensing should be dropped or the fees increased to reflect the actual costs of collection and the function be handled by the Department of Revenue. The Committee is of the opinion that the objectives and procedures under the present provisions of the law are outmoded.

Bill I -- This bill implements two Efficiency and Economy recommendations by granting the Executive Director of the Department of Administration 1) the authority to establish and enforce standards for space occupancy and furnishings in buildings owned by the state, and 2) leasing authority now residing in the Division of Purchasing. Regarding the first recommendation, the Efficiency Report notes that "a wide latitude exists in the density of occupancy, office size and arrangement and the quality and quantity of furniture. Although much of the space owned by the state is not being used efficiently, more than 100,000 square feet additional space is being leased." With regards to the second recommendation, this would effectuate the combining of space requirements of all branches of state government. Presently, the

Division of Purchasing negotiates leases for those state agencies requesting assistance. The Efficiency Report observes that "agencies which proceed independently often have an inadequate appreciation of an appropriate rent, the suitability of the space and the extent of the obligation." In making this recommendation, the Report suggests that authority to implement the recommendation be given to the Division of Public Works. Although the Committee agrees with the principal of both recommendations, it suggests that responsibility should be placed with the Executive Director of the Department for his delegation to the Division of Public Works.

Bill J -- This proposal would place all attorneys employed by the State under the Department of Law. The Efficiency Study reports that it is difficult to perceive any logic in the present system. "The State of Colorado employs approximately 70 to 80 lawyers, but no one knows precisely the exact number or where they are located." More details of the present situation and the Efficiency recommendation are contained in the Report on the Department of Law, pages 6-13.

Bill K -- This bill would provide for the sale of the Trinidad State Home for the Aged. The Efficiency and Economy Report suggested that the home should be returned to the tax rolls since welfare payments to private nursing homes is less than the costs of operation of the state home. Further information on this recommendation may be found on pages 20-22 of the Report on the Department of Social Services.

Bill L -- Under this proposal a system is provided for record transmittal and microfilming. Implementation of this bill could reduce the amount of file space needed for the retention of state records. The Efficiency Report notes that "filing and storage space is at a premium within the Capitol office complex and implementation of this recommendation could relieve the crowded condition that now exists."

Considerations of Other Efficiency and Economy Recommendations

Although a considerable amount of the Committee's agenda for this interim was devoted to a review of Efficiency and Economy recommendations, only limited progress was seen in making a study of the value of each of the suggestions. Recognizing that the Organization Committee did not have the time to carefully review each of the remaining recommendations, the Committee is asking for the assistance of the standing committees of the General Assembly. It is the opinion of the Organization Committee that the standing committees should have sufficient time early in the 1970 Session to study the Efficiency and Economy recommendations within their individual jurisdictions.

To facilitate this procedure, the proposals that remain to be acted upon have been divided and placed according to the jurisdiction of the individual standing committees, and a copy of this breakdown has been forwarded to each standing committee chairman.

The Organization Committee suggested that the chairman of each standing committee in the House and Senate together with two committee members from each party appointed by each chairman study the Efficiency and Economy recommendations assigned to that particular committee. All members of the standing committee should, of course, be notified of the subcommittee meetings. The subcommittees of like jurisdiction from each house would meet together thus constituting a total subcommittee membership of 10 persons. It was suggested that these subcommittees hold their meetings at the same times, perhaps between 8:30 a.m. and 10:00 a.m., each day of the first two weeks of the Session.

Based on the Organization Committee's experience in ~~the~~ viewing the Efficiency and Economy recommendations, the Committee suggested that the standing committees' review be supplemented by in person comments by the department and/or agency head whose department is affected by the recommendation, and a member of the Efficiency and Economy Task Force who drafted the report. This exchange of views would be very helpful in arriving at a final determination on each recommendation. In addition, it was suggested that the full membership of the standing committee review and make a determination upon the subcommittee's report.

Department of Administration Review. Finally, the Organization of State Government Committee has asked the Executive Director of the Department of Administration to provide the committee with his reaction to each of the proposals being referred to the standing committees as well as provide the General Assembly with a progress report on the implementation of those Efficiency and Economy recommendations requiring executive or administrative action. His comments should be ready to supplement the subcommittees' deliberations.

Licensure and Regulation of Health Care Functions

The objective of this particular study is to review existing laws governing the field of health care, and in so doing, examine the need for revision of existing laws, the need for licensure and regulation of additional services, and the possibility of reducing the number of licensing boards.

The Committee intends to give first consideration to this study during the 1970 interim. In preparation for the full review of this matter, the Colorado Medical Society was asked to

act as liaison from the Committee to the dozen groups representing the health professions that are licensed as well as other organizations presently not licensed by the state. In addition, the Committee desired that the Society be the principal source of guidance and information in the initial fact finding phase of the Committee's work. Initially the Medical Society was asked to present a list of names from the licensed medical and paramedical groups in Colorado from which an ad hoc committee could be formed. This committee would study the present licensure and regulation of health care functions and report its findings in the Organization of State Government Committee during the 1970 interim.

In carrying out this request, the Medical Society asked the licensed associations to submit two names for representation on the ad hoc committee. This list of names was presented to the Committee late in the interim and included representatives from the following groups: Colorado Chiropractic Association, Colorado Optometric Association, State Board of Veterinary Medicine, Colorado Nurses' Association, Practical Nurse Association of Colorado, Board of Psychologist Examiners, Colorado Osteopathic Association, Colorado Psychiatric Technicians Association, Colorado Association of Nurse Anesthetists, Colorado Dental Association, and Colorado Podiatry Association. In addition, representatives from the Board of Medical Examiners, Board of Basic Science Examiners, the University of Colorado School of Medicine, and the Colorado Medical Society were included.

Based on this preliminary work by the Medical Society, the Organization Committee appointed the chairman of the "Task Force Committee for Health Personnel Licensure" and directed him to appoint as members of the Task Force one of the two suggested representatives from each of the boards, associations, or organizations named on the list as presented to the Organization Committee. Associations and other interested individuals not initially represented on the Task Force will, at the discretion of the chairman, be represented on the Task Force. The Committee requested that the findings and recommendations of the Task Force be submitted to the Organization Committee by March 15, 1970.

The Committee expects that the recommendations of this ad hoc group will provide the needed competence to facilitate decision making in this complicated area.

Joint Election of the Governor and Lieutenant Governor

Amendment No. 1, passed by the electorate in 1968, provided that the Governor and Lieutenant Governor be chosen jointly at general elections. No provision was made with respect to how

these two officials are to be designated at party assemblies or how they are to be nominated at the subsequent primary election. Therefore, based on the existing nominating process in Colorado, certain policy issues remained unanswered: 1) should the state designating assemblies choose "teams" to run in the primary; or 2) should the "team" concept apply only to the general election, with candidates for nomination running separately in the primary.

Three bills were introduced in the 1969 Session of the General Assembly pertaining to the joint election and each bill addressed itself to one of the two philosophical differences cited above. H.B. 1329 embodied the idea of having the "team" concept apply only to the general election. Both H.B. 1395 and H.B. 1448 sought to amend the Election Code to implement the concept of having state party designating assemblies choosing "teams" to run in the primary. H.B. 1448 was the only one of the three bills favorably reported out of committee, but it was amended to provide that the team concept would apply only to the general election, not at the designating assemblies or primary elections as the bill originally provided.

In addition to discussing the general provisions enumerated in these three bills, the Committee reviewed the provisions of a bill drafted by the Committee staff which detailed the designation of candidates at party assemblies, voting in primary elections, and other specific elements. This measure allows the candidate for Governor designated by a party assembly to submit to the assembly the name of a candidate for the office of Lieutenant Governor.

After considerable discussion, the Committee decided that no recommendation be made to the General Assembly regarding the method of selecting party candidates to implement the joint election concept. The Committee suggests that the concepts incorporated in the various bills introduced in the 1969 Session be re-examined by the General Assembly. In addition, regarding the form of ballots and the canvass of votes at the general election, the Committee recommends Bill M as a necessary measure to conform present statutory provisions with the directives of Amendment No. 1.

Salaries of Elected Officials

The Committee recommends that consideration be given to the salaries of certain elected officials in the Executive Branch; the Governor, Lieutenant Governor, Attorney General, Secretary of State, and State Treasurer. The present salaries of these officials and their salaries after the election of 1970 are listed on the following page.

Salaries of Elected Officials

	<u>Present</u>	<u>After 1970 General Election</u>
Governor	\$20,000	\$30,000
Lieutenant Governor	4,800	10,000
Attorney General	14,000	18,000
Secretary of State	10,000	15,000
State Treasurer	10,000	15,000

Forty-seventh General Assembly

STATE OF COLORADO

BILL A

A BILL FOR AN ACT

1 CONCERNING HIGHER EDUCATION, AND PROVIDING FOR THE POWERS AND
2 DUTIES OF THE COLORADO COMMISSION ON HIGHER EDUCATION, THE
3 GOVERNING BODIES OF THE INSTITUTIONS OF HIGHER EDUCATION,
4 AND THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL
5 EDUCATION, AND PROVIDING FOR THE MEMBERSHIP OF THE COLORADO
6 COMMISSION ON HIGHER EDUCATION AND THE ADVISORY COMMITTEE
7 THERETO.

8 Be it enacted by the General Assembly of the State of Colorado:

9 SECTION 1. 124-22-2 (2) and (4), Colorado Revised Statutes
10 1963 (1965 Supp.), are amended to read:

11 124-22-2. Commission established. (2) The commission
12 shall consist of ~~seven~~ NINE members to be appointed by the gover-
13 nor by and with the consent of the senate and selected on the
14 basis of their knowledge of and interest in higher education.
15 Four members shall be appointed for terms of four years, and
16 three members for terms of two years. ON OR AFTER THE EFFECTIVE
17 DATE OF THIS SUBSECTION (2), AS AMENDED, TWO ADDITIONAL MEMBERS
18 SHALL BE APPOINTED FOR TERMS TO EXPIRE ON MAY 31, 1971. ~~There-~~
19 ~~after-all-said~~ AS OF JUNE 1, 1971, AND EVERY FOUR YEARS THERE-
20 AFTER, FIVE members shall be appointed for terms of four years
21 EACH; AND AS OF JUNE 1, 1973, AND EVERY FOUR YEARS THEREAFTER,

1 FOUR MEMBERS SHALL BE APPOINTED FOR TERMS OF FOUR YEARS EACH.

2 (4) The commission shall at no time have more than ~~four~~
3 FIVE members of any one major political party. Members of the
4 commission shall receive twenty dollars per diem for attendance
5 at official meetings plus actual and necessary expenses incurred
6 in the conduct of official business.

7 SECTION 2. 124-22-3 (1), Colorado Revised Statutes 1963
8 (1965 Supp.), is amended to read:

9 124-22-3. Advisory committee. (1) (a) There is hereby
10 established an advisory committee to the Colorado commission on
11 higher education for the purpose of suggesting solutions for the
12 problems and needs of higher education and maintaining liaison
13 with the general assembly and their respective boards. The ad-
14 visory committee shall consist of NOT LESS THAN nine members to
15 be designated as follows:

16 (b) Four members shall be appointed from the general assem-
17 bly, two senators, one from each major political party appointed
18 by the president of the senate, and two representatives, one from
19 each major political party appointed by the speaker of the house
20 of representatives. Said four members shall be appointed for
21 terms of two years or for the same term to which they were
22 elected to the general assembly, whichever shall be the lesser.
23 Successors shall be appointed in the same manner as the original
24 members.

25 (c) One member shall be elected by the board of regents
26 of the university of Colorado from its membership. One member
27 shall be elected by the state board of agriculture from its mem-
28 bership. One member shall be elected by the board of trustees

29

1 of the Colorado school of mines from its membership. One member
2 shall be elected by the trustees of the state colleges in Colorado
3 from its membership. One member shall be elected by the junior
4 college-committees-of-the-public-junior-colleges-in-Colorado
5 STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION
6 from the ITS membership. of-such-committees. Said five members
7 shall serve on the advisory committee for the same term to which
8 they were appointed or elected to their respective boards or com-
9 mittees, or for four years, whichever shall be the lesser. Suc-
10 cessors shall be appointed in the same manner as the original
11 members.

12 (d) ADDITIONAL MEMBERS REPRESENTING EDUCATIONAL OR OTHER
13 GROUPS MAY BE SELECTED AND DESIGNATED BY THE COMMISSION TO SERVE
14 ON THE ADVISORY COMMITTEE.

15 {d} (e) Members of the advisory committee shall receive
16 twenty dollars per diem for attendance at official meetings plus
17 REIMBURSEMENT FOR actual and necessary expenses incurred in the
18 conduct of official business.

19 SECTION 3. 124-22-5, Colorado Revised Statutes 1963 (1965
20 Supp.), is amended to read:

21 124-22-5. Duties of commission with respect to appropriation
22 requests. (1) Requests for state appropriations by-the-several
23 FOR THE state-supported institutions of higher learning EDUCATION
24 in the state shall be prepared in accordance with uniform pro-
25 cedures and on uniform-budget forms prescribed by the executive
26 budget-office-after-consultation-with-the commission. SUCH PRO-
27 CEDURES AND FORMS SHALL BE SUBJECT TO THE APPROVAL OF THE EXECU-
28 TIVE BUDGET OFFICE TO ASSURE THAT THEY ARE CONSISTENT WITH
29

1 STATEWIDE PROCEDURES AND REQUIREMENTS PROMULGATED BY THE EXECU-
2 TIVE BUDGET OFFICE. ~~Each-such-budget-request~~ BUDGET REQUESTS
3 SHALL BE PREPARED WHICH REFLECT EACH PROGRAM AND ACTIVITY FOR
4 WHICH STATE APPROPRIATIONS ARE SOUGHT, INCLUDING BUT NOT LIMITED
5 TO DEGREE PROGRAMS, EXTENSION SERVICE, RESEARCH, INTERCOLLEGIATE
6 ATHLETICS, AND NONDEGREE INSTRUCTION. SUCH REQUESTS shall be
7 submitted to the commission, executive budget office, and joint
8 budget committee of the general assembly ~~no-later-than-the-fif-~~
9 ~~teenth-of-October-of-each-year~~ AT DATES SPECIFIED BY THE COMMIS-
10 SION CONSISTENT WITH REQUIREMENTS AND PROCEDURES OF THE EXECUTIVE
11 BUDGET OFFICE. After studying each request, the commission shall
12 make a report thereon, with its comments and recommendations,
13 including priorities for appropriations, and submit such report
14 and a consolidated budget showing recommended appropriations
15 APPLICABLE to each institution, to the governor and the executive
16 budget office, together with ~~the-original-budget-request-of-the~~
17 ~~institution-and~~ all pertinent material on which the recommenda-
18 tions of the commission are based. The commission shall be given
19 opportunity by the joint budget committee of the general assembly
20 to present its recommendations to the committee prior to any
21 budget hearings for any institution or group of institutions by
22 the committee, and at any such budget hearing the commission
23 shall also present its recommendations on capital construction
24 projects for the institutions, as determined under the provisions
25 of section 124-22-6.

26 (2) SUBJECT TO THE APPROVAL OF THE STATE CONTROLLER, THE
27 COMMISSION SHALL ESTABLISH UNIFORM ACCOUNTING AND FINANCIAL
28 REPORTING SYSTEMS FOR THE STATE-SUPPORTED INSTITUTIONS OF HIGHER
29

1 EDUCATION, IN CONFORMANCE WITH THE PRESCRIBED STATE ACCOUNTING
2 SYSTEMS. SUCH REPORTING SYSTEMS SHALL REFLECT ALL PROGRAMS AND
3 ACTIVITIES OF EACH SUCH INSTITUTION, INCLUDING BUT NOT LIMITED
4 TO DEGREE PROGRAMS, EXTENSION SERVICE, RESEARCH, AUXILIARY
5 ENTERPRISES, INTERCOLLEGIATE ATHLETICS, NONDEGREE INSTRUCTION,
6 AND PUBLIC SERVICE.

7 (3) FOR THE PURPOSE OF DEVELOPING COMPREHENSIVE BUDGET
8 INFORMATION, THE COMMISSION MAY REQUIRE ANY STATE-SUPPORTED
9 INSTITUTION OF HIGHER EDUCATION TO SUBMIT RECORDS OF PAST INCOME
10 AND EXPENDITURES AND ESTIMATES OF ANTICIPATED INCOME AND EXPEN-
11 DITURES FOR ANY PROGRAM OR ACTIVITY IN WHICH SUCH INSTITUTION IS
12 ENGAGED, EITHER DIRECTLY OR INDIRECTLY, WHETHER OR NOT STATE-
13 APPROPRIATED FUNDS ARE INVOLVED.

14 (4) THE COMMISSION SHALL MAKE ANNUAL RECOMMENDATIONS TO
15 THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY CONCERNING THE
16 TUITION LEVELS WHICH IT DEEMS ADVISABLE FOR THE EFFICIENT OPERA-
17 TION OF THE VARIOUS INSTITUTIONS OF HIGHER EDUCATION. AFTER RE-
18 CEIVING THE RECOMMENDATIONS OF THE COMMISSION, THE GENERAL ASSEM-
19 BLY SHALL EXPRESS ITS LEGISLATIVE INTENT WITH REGARD TO SUCH
20 TUITION LEVELS BY MEANS OF ITS APPROPRIATIONS TO SUCH INSTITU-
21 TIONS OF HIGHER EDUCATION. THE GOVERNING BODIES OF THE RESPEC-
22 TIVE INSTITUTIONS OF HIGHER EDUCATION SHALL FIX THE TUITION TO
23 BE CHARGED IN ACCORDANCE WITH SUCH APPROPRIATIONS AND LEGISLA-
24 TIVE INTENT AND WITH THE RECOMMENDATIONS OF THE COMMISSION.

25 SECTION 4. 124-22-6 (1), (2), and (4), Colorado Revised
26 Statutes 1963 (1965 Supp.), are amended and the said 124-22-6
27 is further amended BY THE ADDITION OF A NEW SUBSECTION to read:

28 124-22-6. Duties of commission with respect to capital
29

1 construction and long-range planning. (1) It is hereby declared
2 to be the policy of the general assembly not to authorize or to
3 acquire sites for new institutions of public higher education OR
4 ANY PROGRAM OR ACTIVITY REQUIRING CAPITAL CONSTRUCTION unless
5 such sites, PROGRAMS, OR ACTIVITIES are recommended by the commis-
6 sion.

7 (2) The commission shall, after due consultation with the
8 state-supported institutions of higher learning EDUCATION and
9 the appropriate state administrative agencies having jurisdiction
10 with respect to planning, public works, and budgeting, prescribe
11 uniform procedures for the development of capital construction
12 programs for such institutions, and as nearly uniform standards
13 of space and utilization as are possible, with consideration
14 given to the differences in institutional roles and functions.
15 THE COMMISSION SHALL ALSO ESTABLISH PLANNING STANDARDS FOR NEW
16 SPACE AND THE UTILIZATION THEREOF.

17 ~~(4) The commission shall approve each capital construction~~
18 ~~project prior to the appropriations of pre-preliminary planning~~
19 ~~and design funds with respect to the consistency of such project~~
20 ~~with the roles and functions of the institution requesting such~~
21 ~~project.~~ THE COMMISSION SHALL REVIEW AND APPROVE THE MASTER
22 PLANNING AND PROGRAM PLANNING FOR ALL CAPITAL CONSTRUCTION PROJ-
23 ECTS OF INSTITUTIONS OF HIGHER EDUCATION ON STATE-OWNED OR STATE-
24 CONTROLLED LAND, REGARDLESS OF THE SOURCE OF FUNDS, AND NO CAPITAL
25 CONSTRUCTION PROJECT SHALL COMMENCE EXCEPT IN ACCORDANCE WITH AN
26 APPROVED PROGRAM PLAN. EXCEPT AS SPECIFIED IN THIS SUBSECTION
27 (4), IT SHALL BE THE POLICY OF THE GENERAL ASSEMBLY TO APPROPRIATE
28 FUNDS FOR PHYSICAL PLANNING AND FOR CONSTRUCTION ONLY UPON
29

1 CERTIFICATION BY THE COMMISSION THAT SUCH APPROPRIATIONS CONFORM
2 WITH PROGRAM PLANNING AS APPROVED BY THE COMMISSION OR AS REVIEWED
3 BY THE COMMISSION AND MODIFIED BY ACTION OF THE GENERAL ASSEMBLY.
4 THE COMMISSION MAY EXCEPT FROM THE REQUIREMENTS OF PROGRAM PLAN-
5 NING AND PHYSICAL PLANNING SET FORTH IN THIS SUBSECTION (4), SPECI-
6 FIED CATEGORIES OF PROJECTS IN WHICH NO PROJECT WILL REQUIRE MORE
7 THAN ONE HUNDRED THOUSAND DOLLARS OF STATE FUNDS.

8 (5) All acquisition of real property by state-supported
9 institutions of higher education, whether acquisition is by pur-
10 chase, gift, or otherwise, shall be subject to the prior approval
11 of the commission.

12 SECTION 5. 124-22-7 (1) (b) and (c), Colorado Revised Stat-
13 utes 1963 (1965 Supp.), are REPEALED AND REENACTED, WITH AMEND-
14 MENTS, to read:

15 124-22-7. Duties with respect to roles and functions of
16 institutions. (1) (b) Review and approve the proposal for any
17 new program before its establishment in any institution, and
18 transmit its decision to the institution within ninety days after
19 receipt of such proposal. No such institution shall establish
20 a new program without first receiving the approval of the commis-
21 sion. The term "program" includes the establishment of a college,
22 school, division, institute, department, new curricula or majors
23 leading to a new degree program, extension service, or any other
24 unit of instruction, research, or public service not included
25 in the current program of the institution.

26 (c) Review existing units of instruction, research, or pub-
27 lic service, including extension programs, and make recommenda-
28 tions to the respective institutions and governing boards relating
29

1 to expansion, termination, or other modification of such programs;
2 and advise the governor and general assembly of its recommenda-
3 tions in this respect and of the action of the respective govern-
4 ing boards and institutions with respect thereto.

5 SECTION 6. 124-22-8 (1) (a) and (b), Colorado Revised Stat-
6 utes 1963 (1965 Supp.), are amended to read:

7 124-22-8. Duties of commission with respect to comprehensive
8 planning, research, and statistics. (1) (a) With respect to
9 COMPREHENSIVE PLANNING, research, and statistics in higher educa-
10 tion, the commission shall:

11 (b) ~~Make studies toward the further development of state~~
12 ~~policy in the field of~~ DEVELOP STATEWIDE PLANS FOR higher educa-
13 tion, and maintain a comprehensive plan for public higher educa-
14 tion in the state with due consideration of the needs of the state,
15 the role of the individual public and private institutions in the
16 state, and the ability of the state to support public higher
17 education. SUCH PLANS SHALL INCLUDE THE ESTABLISHMENT OF PRIORI-
18 TIES FOR INITIATION OF MAJOR PROGRAMS AND NEW INSTITUTIONS; THE
19 DETERMINATION OF THE ROLES OF INSTITUTIONS AND SECTORS OF THE
20 HIGHER EDUCATION SYSTEM, INCLUDING THE DISTRIBUTION OF STUDENTS
21 WITHIN FIELDS AND LEVELS OF INSTRUCTION AND INSTITUTIONAL SIZE
22 FOR PLANNING PURPOSES; AND THE ESTABLISHMENT OF SUCH RELATION-
23 SHIPS WITH PRIVATE INSTITUTIONS OF HIGHER EDUCATION AS MAY
24 STRENGTHEN SUCH INSTITUTIONS AS PART OF THE TOTAL HIGHER EDUCA-
25 TION RESOURCE OF THE STATE.

26 SECTION 7. 124-26-29 (1), Colorado Revised Statutes 1963
27 (1967 Supp.), is amended to read:

28 124-26-29. Joining state system - state support. (1) Any
29

1 junior college district organized or authorized to be organized
2 under the provisions of articles 23 and 24 of chapter 123,
3 C.R.S. 1963, ~~as-amended~~; including the junior college district
4 authorized to be organized by the provisions of sections 123-35-1
5 and 123-35-2, C.R.S. 1963, may APPLY TO THE STATE BOARD FOR COM-
6 MUNITY COLLEGES AND OCCUPATIONAL EDUCATION TO become a part of
7 the state system, as provided in this article, except that this
8 subsection shall not apply to any junior college district orga-
9 nized ON OR after ~~the-effective-date-of-this-article~~ MAY 27,
10 1967, pursuant to article 23 of chapter 123, C.R.S. 1963, ~~as~~
11 ~~amended~~; unless the board shall have approved the district prior
12 to its organization. SUCH APPLICATION SHALL INCLUDE A PLAN OF
13 DISSOLUTION AND REPORT OF FINANCES AS REQUIRED BY SECTION 124-26-30
14 AND SHALL BE CONSIDERED BY THE BOARD AND THE COMMISSION ON HIGHER
15 EDUCATION AS PROVIDED IN SECTION 124-26-31.

16 SECTION 8. 124-26-31 (1) and (2), Colorado Revised Statutes
17 1963 (1967 Supp.), are amended, and the said 124-26-31 is further
18 amended BY THE ADDITION OF A NEW SUBSECTION to read:

19 124-26-31. Approval of plan - election. (1) The board
20 shall REVIEW EACH APPLICATION SUBMITTED AND transmit TO THE
21 JUNIOR COLLEGE COMMITTEE any suggested changes in the plan within
22 ninety days from the date of submission. ~~by-the-junior-college~~
23 ~~committee.~~

24 (2) AFTER THE BOARD HAS REVIEWED THE APPLICATION, the
25 junior college committee shall call a special election, at which
26 only qualified taxpaying electors of the district may vote. The
27 question shall be:

28 "Shall the _____ junior college district
29

1 be dissolved, all assets transferred to the state BOARD
2 FOR community college COLLEGES and occupational educa-
3 tion, ~~beard~~, and provision made for meeting all liabili-
4 ties as provided in the plan of dissolution?

5 Yes _____ No _____"

6 (6) If the dissolution of a junior college district is ap-
7 proved by the voters at the election, the application of the
8 junior college district to enter the state system shall be sub-
9 mitted to the Colorado commission on higher education. The com-
10 mission shall consider the application on the basis of whether
11 the entry of the junior college district into the state system
12 will promote the orderly development of the system of higher
13 education in the state, and whether the entry will result in an
14 effective utilization of the state's financial resources. The
15 commission may approve the application and allow entry on the
16 date proposed in the application, or the commission may modify
17 the application and approve entry on the date proposed in the
18 application as modified, or the commission may deny the applica-
19 tion and delay the entry of the junior college into the state
20 system; but the commission may not delay entry into the state
21 system beyond July 1 in the third calendar year after the date
22 of an application.

23 SECTION 9. 124-2-11, Colorado Revised Statutes 1963, is
24 amended to read:

25 124-2-11. General powers of the board. The board of regents
26 shall enact laws for the government of the university, and appoint
27 the requisite number of professors and tutors, and all other of-
28 ficers, and shall determine the salaries of such officers, and
29

1 the amount of-fees to be paid for tuition AND OTHER CHARGES, IN
2 ACCORDANCE WITH THE LEVEL OF APPROPRIATIONS BY AND THE LEGISLA-
3 TIVE INTENT OF THE GENERAL ASSEMBLY FOR THE UNIVERSITY AND THE
4 RECOMMENDATIONS OF THE COLORADO COMMISSION ON HIGHER EDUCATION,
5 AS PROVIDED IN SECTION 124-22-5 (4). They shall remove any of-
6 ficer connected with the university when in their judgment the
7 good of the institution requires it.

8 SECTION 10. 124-5-10, Colorado Revised Statutes 1963, is
9 amended to read:

10 124-5-10. Open to residents - tuition. The schools named
11 in section 124-5-1 shall be open, subject to their regulations,
12 to all persons resident in this state, sixteen years of age and
13 upwards, upon the payment of such reasonable charges for tuition
14 as the ~~governmental-body-of-such-institution~~ BOARD may determine;
15 and to persons resident without this state, under such regula-
16 tions as said ~~governmental-body~~ BOARD may prescribe, upon pay-
17 ment of a rate of tuition to be fixed by said board. THE BOARD
18 SHALL SET TUITION AND OTHER CHARGES IN ACCORDANCE WITH THE LEVEL
19 OF APPROPRIATIONS BY AND THE LEGISLATIVE INTENT OF THE GENERAL
20 ASSEMBLY FOR SUCH INSTITUTIONS AND THE RECOMMENDATIONS OF THE
21 COLORADO COMMISSION ON HIGHER EDUCATION, AS PROVIDED IN SECTION
22 124-22-5 (4).

23 SECTION 11. 124-9-7, Colorado Revised Statutes 1963, is
24 amended to read:

25 124-9-7. Tuition - school open to all. The Colorado school
26 of mines shall be open for instruction to all bona fide residents
27 of this state, without regard to sex or color, upon the payment
28 of such reasonable tuition fees as may be prescribed by the

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1 governing-body-of-such-institution BOARD OF TRUSTEES; and, with
2 the consent of such governing-body BOARD, students from other
3 states, territories, or countries may receive education thereat
4 upon such terms and at such rates of tuition as such governmental
5 body BOARD may determine. THE BOARD SHALL FIX TUITION AND OTHER
6 CHARGES IN ACCORDANCE WITH THE LEVEL OF APPROPRIATIONS BY AND
7 THE LEGISLATIVE INTENT OF THE GENERAL ASSEMBLY FOR SUCH INSTITU-
8 TION AND THE RECOMMENDATIONS OF THE COLORADO COMMISSION ON HIGHER
9 EDUCATION, AS PROVIDED IN SECTION 124-22-5 (4).

10 SECTION 12. 124-10-8, Colorado Revised Statutes 1963, is
11 amended to read:

12 124-10-8. Tuition fees - discrimination. The state board
13 of agriculture shall be vested with discretion to charge tuition
14 or not as they may deem most conducive to the interests of the
15 institution, unless acts of the general assembly making appro-
16 priations for its support shall otherwise direct. THE BOARD SHALL
17 FIX TUITION AND OTHER CHARGES, IN ACCORDANCE WITH THE LEVEL OF
18 APPROPRIATIONS BY AND THE LEGISLATIVE INTENT OF THE GENERAL ASSEM-
19 BLY FOR THE UNIVERSITY AND THE RECOMMENDATIONS OF THE COLORADO
20 COMMISSION ON HIGHER EDUCATION, AS PROVIDED IN SECTION 124-22-5
21 (4). The board may ~~make-discrimination~~ DISCRIMINATE in regard
22 to tuition between students from this state and from other states.
23 One-third of the tuition for the academic term shall be paid in
24 advance, and shall be forfeited in case the student abandons the
25 institution.

26 SECTION 13. 124-26-11 (1) (d), Colorado Revised Statutes
27 1963 (1967 Supp.), is amended to read:

28 124-26-11. Duties of board with respect to state system.

29

1 (1) (d) To fix the tuition and fees to be charged in the com-
2 munity and technical colleges IN ACCORDANCE WITH THE LEVEL OF
3 APPROPRIATIONS BY AND THE LEGISLATIVE INTENT OF THE GENERAL ASSEM-
4 BLY FOR SUCH INSTITUTIONS AND THE RECOMMENDATIONS OF THE COLORADO
5 COMMISSION ON HIGHER EDUCATION, AS PROVIDED IN SECTION 124-22-5 (4);

6 SECTION 14. Safety clause. The general assembly hereby
7 finds, determines, and declares that this act is necessary for
8 the immediate preservation of the public peace, health, and
9 safety.

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STATE OF COLORADO

BILL B

A BILL FOR AN ACT

1 CONCERNING THE SCIENTIFIC DEVELOPMENT COMMISSION.

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. Repeal. Article 23 of chapter 3, Colorado
4 Revised Statutes 1963 (1967 Supp.), is repealed.

5 SECTION 2. Safety clause. The general assembly hereby
6 finds, determines, and declares that this act is necessary for
7 the immediate preservation of the public peace, health, and
8 safety.

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Second Regular Session
Forty-seventh General Assembly

STATE OF COLORADO

BILL C

A BILL FOR AN ACT

1 AUTHORIZING THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
2 INSTITUTIONS TO ENTER INTO CERTAIN CONTRACTS AND AGREEMENTS
3 WITH RESPECT TO THE USE OF THE FACILITIES AT THE WOMEN'S
4 CORRECTIONAL INSTITUTION IN CANON CITY.

5 Be it enacted by the General Assembly of the State of Colorado:

6 SECTION 1. 3-11-5 (1), Colorado Revised Statutes 1963
7 (1967 Supp.), is amended BY THE ADDITION OF A NEW PARAGRAPH to
8 read:

9 3-11-5. Powers of director. (1)(d) The executive director
10 is hereby authorized to enter into contracts and agreements with
11 other jurisdictions, including other states, the federal govern-
12 ment, and political subdivisions of this state, for the confinement
13 and maintenance at the women's correctional institution in Canon
14 City of female offenders sentenced to imprisonment by the courts
15 of such other jurisdictions. The executive director shall notify
16 the appropriate authorities of other jurisdictions, as he deems
17 appropriate, of the availability of space at the women's correc-
18 tional institution for the confinement and maintenance of female
19 offenders from other jurisdictions.

20 SECTION 2. Safety clause. The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immedi-
22 ate preservation of the public peace, health, and safety.

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

Second Regular Session
Forty-seventh General Assembly
STATE OF COLORADO

BILL D

A BILL FOR AN ACT

1 CONCERNING DELINQUENT REMITTANCES OF SALES TAXES BY VENDORS.

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. 138-5-5 (1)(a), Colorado Revised Statutes 1963
4 (1967 Supp.), is amended to read:

5 138-5-5. Vendor liable for tax. (1)(a) Every retailer,
6 also herein called "vendor", shall, irrespective of the provi-
7 sions of section 138-5-6, as amended, be liable and responsible
8 for the payment of an amount equivalent to three per cent of all
9 sales made by him of commodities or services as specified in
10 section 138-5-4, as amended, and shall before the twentieth day
11 of each month make a return to the EXECUTIVE director of THE
12 DEPARTMENT OF revenue for the preceding calendar month and remit
13 an amount equivalent to said three per cent on such sales to said
14 director, less three and one-third per cent of the sum so remitted
15 to cover the vendor's expense in the collection and remittance of
16 said tax; BUT, IF ANY VENDOR IS DELINQUENT IN REMITTING SAID TAX,
17 HE SHALL NOT BE ALLOWED TO RETAIN ANY AMOUNTS TO COVER HIS
18 EXPENSE IN COLLECTING AND REMITTING SAID TAX, AND AN AMOUNT EQUIV-
19 ALENT TO THE FULL THREE PER CENT SHALL BE REMITTED TO THE EXECU-
20 TIVE DIRECTOR BY ANY SUCH DELINQUENT VENDOR. Such returns of the
21 taxpayer or his duly authorized agent shall contain such information

1 and be made in such manner and upon such forms as the director
2 of revenue may prescribe.

3 SECTION 2. Effective date. This act shall take effect July
4 1, 1970.

5 SECTION 3. Safety clause. The general assembly hereby
6 finds, determines, and declares that this act is necessary for
7 the immediate preservation of the public peace, health, and
8 safety.

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Second Regular Session

Forty-seventh General Assembly

STATE OF COLORADO

BILL E

A BILL FOR AN ACT

1 CONCERNING ORDERS AWARDED OR CONTRACTS MADE BY THE STATE PURCHAS-
2 ING AGENT

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 3-4-3 (1), Colorado Revised Statutes 1963, is
5 amended to read:

6 3-4-3. Contracts, how awarded - record - bond. (1) All
7 orders awarded or contracts made by the state purchasing agent
8 shall be awarded to the lowest responsible bidder, taking into
9 consideration the location of the institution or agency, the
10 qualities of the articles to be supplied, their conformity with
11 the specifications, the purposes for which they are required, and
12 the date of delivery. ~~but-preference-shall-always-be-given-to~~
13 ~~Colorado-materials;-supplies-and-provisions-by-allowing-a-differ-~~
14 ~~ential-of-not-to-exceed-five-per-cent-in-cost-on-such-Colorado~~
15 ~~materials;-supplies-and-equipment-of-equal-quality.~~ Bids shall
16 be received only in accordance with such standard specifications
17 as may be adopted by the state purchasing agent in the manner pro-
18 vided in this chapter. Any or all bids may be rejected.

19 SECTION 2. Effective date. This act shall take effect on
20 July 1, 1970, and shall apply to all orders and contracts awarded
21 or made on or after such date.

1 SECTION 3. Safety clause. The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immedi-
3 ate preservation of the public peace, health, and safety.

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Forty-seventh General Assembly

STATE OF COLORADO

BILL F

A BILL FOR AN ACT

1 CONCERNING THE EXAMINATION OF DRIVERS AND THE FEES THEREFOR.

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. 13-4-11, Colorado Revised Statutes 1963 (1965
4 Supp.), is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

5 13-4-11. Department may acquire facilities in counties.

6 The department may acquire in any county by purchase, lease,
7 contract, or by other means deemed appropriate, such facilities
8 as it deems necessary to conduct in the county the examination
9 for all types of operators' and chauffeurs' licenses.

10 SECTION 2. 13-4-12 (2), Colorado Revised Statutes 1963
11 (1965 Supp.), is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

12 13-4-12. Licenses issued - fees. (2) The fee for the
13 issuance of an operator's and provisional operator's license
14 shall be two dollars and twenty-five cents, to expire on the
15 birthday of the applicant in the third year after issuance
16 thereof, or when the applicant reaches twenty-one, whichever
17 occurs first, and for each provisional chauffeur's or chauffeur's
18 license the fee shall be five dollars and twenty-five cents to ex-
19 pire on the birthday of the applicant in the third year after the
20 issuance thereof, or when the applicant reaches age twenty-one,
21 whichever occurs first. The department shall forward all fees

1 collected under this section to the state treasurer who shall
2 cause them to be credited to the highway users tax fund, and
3 the general assembly shall make appropriations therefrom for the
4 expenses of the administration of this article.

5 SECTION 3. Effective date. This act shall take effect
6 January 1, 1971.

7 SECTION 4. Safety clause. The general assembly hereby
8 finds, determines, and declares that this act is necessary for
9 the immediate preservation of the public peace, health, and
10 safety.

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Second Regular Session
Forty-seventh General Assembly
STATE OF COLORADO

BILL G

A BILL FOR AN ACT

1 RELATING TO THE LICENSING OF AUTO AND TOURIST CAMPS.

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. Repeal. Article 14 of chapter 13, Colorado
4 Revised Statutes 1963, is repealed.

5 SECTION 2. Safety clause. The general assembly hereby finds,
6 determines, and declares that this act is necessary for the
7 immediate preservation of the public peace, health, and safety.

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STATE OF COLORADO

BILL H

A BILL FOR AN ACT

1 RELATING TO THE LICENSING OF GARAGES.

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. Repeal. Section 13-13-6, Colorado Revised
4 Statutes 1963, is repealed.

5 SECTION 2. Safety clause. The general assembly hereby
6 finds, determines, and declares that this act is necessary for
7 the immediate preservation of the public peace, health, and
8 safety.

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Forty-seventh General Assembly

STATE OF COLORADO

BILL I

A BILL FOR AN ACT

1 CONCERNING THE ADMINISTRATION OF PUBLIC PROPERTY BY THE DEPART-
2 MENT OF ADMINISTRATION.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. 3-25-2 (2), Colorado Revised Statutes 1963, as
5 amended by section 45 of chapter 53, Session Laws of Colorado
6 1968, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS
7 to read:

8 3-25-2. Powers and duties of executive director. (2) (e)
9 Negotiate and execute leases for all grounds, buildings, office,
10 or other space required by the state departments, institutions,
11 or agencies; and to list all real estate belonging to or under
12 lease to the state government, showing the agency controlling,
13 location, legal description, cost, and when acquired. The provi-
14 sions of this paragraph (e) shall not apply to lands under the
15 jurisdiction of the state land board.

16 (f) Establish standards for the executive branch regarding
17 the allocation of office space to various functions, the size
18 and density of occupation of office space, and the amount and
19 quality of office furnishings.

20 SECTION 2. 106-1-9, Colorado Revised Statutes 1963 (1965
21 Supp.), is amended to read:

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

1 106-1-9. Control and management of state buildings. The
2 division, with the approval of the ~~governor~~; EXECUTIVE DIRECTOR
3 OF THE DEPARTMENT OF ADMINISTRATION, shall exercise the powers
4 of control, management, and supervision of all buildings and
5 grounds ~~in-the-capitol-buildings-group~~ now or hereafter constructed
6 or acquired BY THE STATE. Such powers shall extend to maintenance
7 services, assignments of space, and all other phases of manage-
8 ment of said buildings; ~~provided~~; EXCEPT THAT such space as the
9 general assembly by resolution may determine is necessary for its
10 use shall be assigned to the general assembly. Employment of
11 necessary personnel to ~~provide-services-in-connection-with-said~~
12 ~~function~~ PERFORM THE FUNCTIONS REQUIRED BY THIS SECTION shall be
13 made on the same basis as that of other employees of the division.

14 SECTION 3. Repeal. 3-4-1 (2) (b), Colorado Revised Statutes
15 1963, is repealed.

16 SECTION 4. Safety clause. The general assembly hereby
17 finds, determines, and declares that this act is necessary for
18 the immediate preservation of the public peace, health, and
19 safety.

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Second Regular Session

Forty-seventh General Assembly

STATE OF COLORADO

BILL J

A BILL FOR AN ACT

1 CONCERNING THE APPOINTMENT OF LEGAL STAFF PERSONNEL BY THE ATTORNEY
2 GENERAL.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. Article 9 of chapter 3, Colorado Revised Statutes
5 1963, as amended, is amended BY THE ADDITION OF A NEW SECTION to
6 read:

7 3-9-5. Appointment of legal staff personnel. (1) Effective
8 July 1, 1970, the attorney general shall constitute the appointing
9 authority for all legal staff personnel in the executive depart-
10 ment of the state, including but not limited to legal technicians
11 and departmental counsel in the classified civil service of the
12 state, but excluding legal experts, consultants, and hearing
13 officers employed on a part-time or temporary basis and compensated
14 on a per diem or contractual basis. On and after such date, no
15 department or other agency in the executive department of the state
16 shall employ on a full-time permanent or temporary basis any legal
17 staff personnel except in accordance with the provisions of this
18 section.

19 (2) Such legal staff personnel appointed by the attorney
20 general may be assigned by him to any department, division, section,
21 or other agency in the executive department of the state government

1 and may be compensated out of the appropriations made to such
2 agency.

3 (3) In order to provide for the most efficient utilization
4 of legal staff personnel, the attorney general may assign or
5 reassign, on a temporary or permanent basis, any such personnel
6 to or from the department of law or any other department of the
7 state, or may assign to any such legal staff personnel additional
8 legal duties to be performed for any other agency.

9 SECTION 2. Safety clause. The general assembly hereby
10 finds, determines, and declares that this act is necessary for
11 the immediate preservation of the public peace, health, and safety.

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Forty-seventh General Assembly

STATE OF COLORADO

BILL K

A BILL FOR AN ACT

1 AUTHORIZING THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF SOCIAL
2 SERVICES TO SELL THE TRINIDAD STATE NURSING HOME.

3 Be it enacted by the General Assembly of the State of Colorado:

4 SECTION 1. Article 2 of chapter 133, Colorado Revised Stat-
5 utes 1963, as amended, is amended BY THE ADDITION OF A NEW SECTION
6 to read:

7 133-2-6. Sale authorized. (1) The executive director of
8 the department of social services, with the approval of the
9 governor, is authorized to sell and convey by quitclaim deed the
10 Trinidad state nursing home together with the real property on
11 which it is situated, subject to the procedure set forth in sub-
12 section (2) of this section.

13 (2) The Trinidad state nursing home and the real property
14 described in subsection (1) of this section shall be sold only at
15 public auction to the highest bidder for not less than the ap-
16 praised value thereof. The right to reject all bids is hereby
17 reserved. Public notice of said sale shall be given by notice
18 published in two issues of a newspaper of general circulation in
19 the state. Said notice shall detail the time, place, description
20 of the property to be sold, and terms of the sale. Said publica-
21 tions of notice of sale shall be made at least one week apart and

1 not less than two weeks nor more than four weeks before said sale.
2 The necessary deeds of conveyance to effectuate such sale shall
3 be executed by the governor of the state and the executive direc-
4 tor of the department of social services, attested by the secre-
5 tary of state, under the great seal of the state of Colorado.

6 (3) The proceeds from the sale shall be used to pay any out-
7 standing obligations issued pursuant to the provisions of section
8 133-2-5, and the remainder shall be credited to the capital con-
9 struction fund.

10 SECTION 2. Safety clause. The general assembly hereby finds,
11 determines, and declares that this act is necessary for the imme-
12 diate preservation of the public peace, health, and safety.

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STATE OF COLORADO

BILL L

A BILL FOR AN ACT

1 CONCERNING A PROGRAM FOR REGULAR DISPOSITION OF STATE RECORDS.

2 Be it enacted by the General Assembly of the State of Colorado:

3 SECTION 1. Article 3 of chapter 131, Colorado Revised Stat-
4 utes 1963, is amended BY THE ADDITION OF THE FOLLOWING NEW SEC-
5 TIONS to read:

6 131-3-13. State records committee - membership - duties.

7 (1) There is hereby created the state records committee, which
8 shall consist of the following members: The executive director
9 of the department of administration, who shall act as chairman;
10 the state treasurer; the attorney general; the state archivist,
11 and the state auditor. The committee shall meet when called by
12 the chairman.

13 (2) It shall be the duty of the state records committee to
14 determine what records no longer have any administrative, legal,
15 research, fiscal, or historical value and should be destroyed or
16 otherwise disposed of. No record shall be disposed of by any
17 agency of the state unless approval of the state records com-
18 mittee is first obtained.

19 (3) The committee shall issue regulations pursuant to this
20 article which shall be binding on all departments and agencies
21 of the state. Such regulations shall establish procedures for

1 compiling and submitting to the committee lists and schedules
2 of records proposed for disposal; procedures for the physical
3 destruction or other disposition of records proposed for disposal;
4 and standards for the reproduction of records by photography or
5 microphotographic processes with the view to the disposal of
6 original records. Such standards shall relate to the quality
7 of film used, preparation of the records for filming, proper
8 identification matter on the records so that an individual docu-
9 ment or series of documents can be located on the film with
10 reasonable facility, and that copies contain all significant
11 record detail, in order that the photographic or microphoto-
12 graphic copies will be adequate.

13 131-3-14. Lists and schedules submitted to committee. (1)

14 (a) The head of each department or agency of the state shall
15 submit to the committee, in accordance with the regulations is-
16 sued under section 131-3-13:

17 (b) Lists of any records in the custody of the department
18 or agency which have been photographed or microphotographed in
19 accordance with such regulations and that, as a consequence, do
20 not appear to have sufficient value to warrant their further
21 preservation;

22 (c) Lists of other records in the custody of the department
23 or agency which are not needed in the transaction of current busi-
24 ness and which do not have sufficient administrative, legal,
25 research, fiscal, or other value to warrant their further preser-
26 vation; and

27 (d) Schedules proposing the disposal after the lapse of
28 specified periods of time of records of a specified form or
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1 character which will not after the lapse of the period specified
2 have sufficient administrative, legal, research, fiscal, or other
3 value to warrant further preservation.

4 131-3-15. Disposition of lists and schedules. (1) All
5 lists and schedules submitted to the committee shall be referred
6 to the state archivist who shall ascertain whether the records
7 proposed for disposal have value to other agencies of the state
8 or whether such records have research or historical value. The
9 state archivist shall submit his recommendations in writing, to-
10 gether with the lists and schedules, to the committee; and the
11 final disposition of such records shall be as determined by
12 the committee. In determining the final disposition of such
13 records, the committee shall consider, among other things, any
14 statutes of limitations for the institution of actions against
15 the state or any agency or official thereof which may require the
16 use or production of such records as evidence.

17 (2) Those records deemed by the public officer having
18 custody thereof to be unnecessary for the transaction of the
19 business of his office, and yet deemed by the state records com-
20 mittee to be of legal, research, administrative, fiscal, or
21 historical value, may be transferred with the consent of the
22 state archivist to the custody of the division of state archives
23 of the state historical society of Colorado. A list of all
24 records so transferred, together with a statement certifying
25 compliance with this article signed by the state archivist,
26 shall be preserved in the files of the office from which the
27 records were drawn and in the files of the division of state
28 archives.

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1 131-3-16. Disagreement as to value of records. In the
2 event that the state records committee determines that any rec-
3 ords in the custody of a public officer, including the state
4 archivist but not including those in the custody of a public
5 officer of any county, city, municipality, district, or politi-
6 cal subdivision thereof, are of no legal, administrative, re-
7 search, fiscal, or historical value, but the public officer hav-
8 ing custody of said records fails to agree with such determina-
9 tion or refuses to dispose of said records, the state records
10 committee may request the governor to determine whether said
11 records should be disposed of in the interests of conservation
12 of space, economy, or safety.

13 131-3-17. Destruction of nonrecord materials. Materials
14 not included within the definition of records as contained in
15 this article may be destroyed at any time by the agency in pos-
16 session of such materials without the prior approval of the
17 committee, but the committee may formulate advisory procedures
18 to guide in the disposition of nonrecord materials.

19 SECTION 2. 131-3-1, Colorado Revised Statutes 1963, is
20 amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTION to read:

21 131-3-1. Definitions. (3) As used in this article,
22 "committee" means the state records committee established in
23 this article.

24 SECTION 3. 131-3-2 (3), Colorado Revised Statutes 1963,
25 is amended, and the said 131-3-2 is further amended BY THE ADDI-
26 TION OF A NEW SUBSECTION, to read:

27 131-3-2. Division created - personnel - duties. (3) The
28 state archivist shall be responsible for the proper administration

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1 of THE public records TRANSFERRED TO THE DIVISION OF STATE
2 ARCHIVES under THIS article. ~~3-of-chapter-131,-Colorado-Revised~~
3 ~~Statutes-1963:~~ It shall be his duty to determine and direct the
4 administrative and technical procedures of the division. He shall
5 study the problems of preservation and disposition of records as
6 defined in section 131-3-1, ~~of-this-article;~~ and based on such
7 study shall formulate ~~and-put-into-effect,-to-the-extent-autho-~~
8 ~~rized-by-law,-within-the-division-or-otherwise,-such-program-or~~
9 ~~programs-as-he-deems-advisable-or-necessary-for-public-records~~
10 ~~conservation-by-the-state-of-Colorado-or-political-subdivisions~~
11 ~~thereof:~~ RECOMMENDATIONS FOR PROGRAMS OF MANAGEMENT, CONSERVATION,
12 AND DISPOSAL OF RECORDS, INCLUDING THE PHOTOGRAPHING OR MICRO-
13 PHOTOGRAPHING OF SUCH RECORDS, AS AUTHORIZED IN SECTION 131-3-7.
14 THE STATE ARCHIVIST SHALL ALSO SERVE ON THE STATE RECORDS COM-
15 MITTEE ESTABLISHED UNDER SECTION 131-3-13.

16 (11) The state archivist, at the end of each calendar year,
17 shall report to the governor which records have been destroyed,
18 transferred, or otherwise processed during the year.

19 SECTION 4. 131-3-5, Colorado Revised Statutes 1963, is
20 amended to read:

21 131-3-5. Records of offices which have been terminated.

22 All public records of any public office, upon the termination of
23 the existence and functions of that office, shall be checked by
24 the ~~archivist-and-the-attorney-general~~ STATE RECORDS COMMITTEE
25 and either disposed of or transferred to the custody of the ~~said~~
26 division of state archives, in accordance with the procedure of
27 this article and the findings of such ~~two-officers:~~ COMMITTEE.
28 When a public office is terminated or reduced by the transfer of
29

1 its powers and duties to another office or to other offices, its
2 appropriate public records shall pass with the powers and duties
3 so transferred.

4 SECTION 5. 131-3-7, Colorado Revised Statutes 1963, is
5 amended to read:

6 131-3-7. Reproduction on film - evidence. (1) Any public
7 officer of the state or any county, city, municipality, district,
8 or legal subdivision thereof, may cause any or all records,
9 papers, or documents kept by him to be photographed, microphoto-
10 graphed, or reproduced on film. Such photographic film shall
11 comply with the minimum standards of quality approved for perma-
12 nent photographic records by the ~~national-bureau-of-standards~~
13 STATE RECORDS COMMITTEE and the device used to reproduce such
14 records on such film shall be one which accurately reproduces
15 the original thereof in all details. Such photographs, micro-
16 photographs, or photographic film shall be deemed to be original
17 records for all purposes, including introduction in evidence in
18 all courts or administrative agencies. A transcript, exemplifi-
19 cation, or certified copy thereof, for all purposes recited
20 ~~herein~~ IN THIS SECTION, shall be deemed to be a transcript,
21 exemplification, or certified copy of the original.

22 (2) Whenever such photographs, microphotographs, or repro-
23 ductions on film properly certified shall be placed in conveniently
24 accessible files and provisions made for preserving, examining,
25 and using the same, any such public officer may cause the orig-
26 inal records from which the photographs or microphotographs
27 have been made, or any part thereof, to be disposed of according
28 to methods prescribed by sections ~~131-3-3-to-131-3-6~~ 131-3-13
29

1 TO 131-3-17. Such copies shall be certified by their custodian
2 as true copies of the originals before the originals are destroyed
3 or lost, and the copies so certified shall have the same force
4 and effect as the originals. Copies of public records trans-
5 ferred from the office of their origin to said THE division of
6 state archives of the state historical society of Colorado, when
7 certified by the archivist or the assistant archivist, shall have
8 the same legal force and effect as if certified by the original
9 custodian of the records.

10 SECTION 6. Repeal. 131-3-3, 131-3-4, and 131-3-10, Colo-
11 rado Revised Statutes 1963, are hereby repealed.

12 SECTION 7. Effective date. This act shall take effect
13 July 1, 1970.

14 SECTION 8. Safety clause. The general assembly hereby
15 finds, determines, and declares that this act is necessary for
16 the immediate preservation of the public peace, health, and
17 safety.

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STATE OF COLORADO

BILL M

A BILL FOR AN ACT

1 CONCERNING GENERAL ELECTIONS, AND PROVIDING FOR THE JOINT ELECTION
2 AT GENERAL ELECTIONS OF THE GOVERNOR AND LIEUTENANT GOVERNOR,
3 PURSUANT TO SECTION 3 OF ARTICLE IV OF THE CONSTITUTION OF
4 THE STATE OF COLORADO, AS AMENDED.

5 Be it enacted by the General Assembly of the State of Colorado:

6 SECTION 1. 49-1-4, Colorado Revised Statutes 1963, as
7 amended, is amended BY THE ADDITION OF NEW SUBSECTIONS to read:

8 49-1-4. Definitions. (24) "Joint candidates" means the
9 two candidates for the office of governor and the office of lieu-
10 tenant governor for whom one vote cast at any general election is
11 applicable to both offices.

12 (25) "Gubernatorial" means and refers to voting in general
13 elections for the office of governor, except that when the gover-
14 nor and lieutenant governor are chosen jointly it shall mean and
15 refer to such joint voting in general elections.

16 SECTION 2. 49-2-2, Colorado Revised Statutes 1963 (1967
17 Supp.), is amended to read:

18 49-2-2. State and district officers. At the general elec-
19 tion in 1966 and in every fourth year thereafter, there shall be
20 elected the following state officers: One governor, one lieuten-
21 ant governor, one secretary of state, one state treasurer, and

1 one attorney general. BEGINNING WITH THE GENERAL ELECTION IN
2 1970, THE LIEUTENANT GOVERNOR SHALL BE ELECTED JOINTLY WITH THE
3 GOVERNOR. At every general election there shall be elected in
4 each representative district of the state such members of the
5 state house of representatives as each district may be entitled
6 to. Candidates for the offices of regents of the university,
7 state senators, members of the state board of education, and
8 district attorneys shall be voted on at the general election im-
9 mediately prior to the expiration of the regular terms for such
10 offices.

11 SECTION 3. Article 6 of chapter 49, Colorado Revised Stat-
12 utes 1963, as amended, is amended BY THE ADDITION OF A NEW SECTION
13 to read:

14 49-6-13. Vacancies of joint candidates. For the purposes
15 of this article, no vacancy in designation or nomination for the
16 office of governor or the office of lieutenant governor shall in
17 any way affect the candidacy of the other joint candidate.

18 SECTION 4. 49-7-1 (2) and (8), Colorado Revised Statutes
19 1963, and 49-7-1 (3), Colorado Revised Statutes 1963 (1967 Supp.),
20 are amended to read:

21 49-7-1. Petitions for nominating independent candidates.
22 (2) A petition for nominating independent candidates shall be
23 prepared which shall contain the names and addresses of any candi-
24 dates for the offices to be filled. The petition shall designate
25 in not more than three words the political or other name which the
26 signers shall select. No name of any political party as defined
27 in articles 5 to 8 of this chapter shall be used, in whole or in
28 part, for this purpose. ANY SUCH PETITION FOR A CANDIDATE FOR
29

1 GOVERNOR SHALL ALSO INCLUDE A CANDIDATE FOR LIEUTENANT GOVERNOR
2 AND TOGETHER THEY SHALL BE CONSIDERED JOINT CANDIDATES AT THE
3 GENERAL ELECTION. In the case of nominations for electors of
4 president and vice-president of the United States, the names of
5 the candidates for president and vice-president may be added to
6 the political or other name designated on the petition.

7 (3) The petition shall be signed by electors residing within
8 the district or political subdivision in which the officers are to
9 be elected, to the number of at least three hundred when the nomi-
10 nation is for an office to be filled OR FOR JOINT CANDIDATES TO BE
11 VOTED ON by the electors of the entire state; or at least one hun-
12 dred when the office is to be filled by the electors of a con-
13 gressional district; of at least one hundred where the nomination
14 is for a member of the general assembly, district attorney, or
15 district office greater than a county office, or any office to be
16 filled by the electors of a county; and of at least fifty when the
17 nomination is for an office to be filled by the electors of any
18 other division.

19 (8) Every petition, before the same is filed with the proper
20 officer, shall have endorsed thereon or thereto appended in writ-
21 ing on the first or last sheet the acceptance of the candidate OR
22 JOINT CANDIDATES of the nomination by acknowledgment before any
23 officer authorized to take acknowledgments. The acceptance of
24 nomination shall contain the full name and address of such candi-
25 date OR JOINT CANDIDATES.

26 SECTION 5. 49-11-7 (3), (4), and (6), Colorado Revised
27 Statutes 1963, and 49-11-7 (7), Colorado Revised Statutes 1963
28 (1965 Supp.), and 49-11-7 (5), Colorado Revised Statutes 1963,

1 as amended by section 1 of chapter 134, Session Laws of Colorado
2 1969, are amended to read:

3 49-11-7. Ballots for general and special elections. (3)

4 Every ballot shall contain the names of all candidates for of-
5 fices to be voted for at that election whose nominations have
6 been duly made and accepted as provided in articles 5 to 8 of
7 this chapter, except those who have died or withdrawn, and the
8 ballot shall contain no other names; ~~provided~~ EXCEPT, when pres-
9 idential electors are to be elected their names shall not be
10 printed upon the ballot, but in lieu thereof the names of the
11 candidates of their respective political parties or political
12 organizations for president and vice-president of the United
13 States shall be printed together in pairs under the title "Pres-
14 idential Electors". Such pairs shall be arranged in alphabetical
15 order of the names of the candidates for president in the manner
16 provided for in section 49-11-8. A vote for any such pair of
17 candidates shall be a vote for the duly nominated presidential
18 electors of the political party or political organization by which
19 such candidates for president and vice-president of the United
20 States were named. THE NAMES OF JOINT CANDIDATES OF THEIR RESPEC-
21 TIVE POLITICAL PARTY OR POLITICAL ORGANIZATION FOR THE OFFICE OF
22 GOVERNOR AND THE OFFICE OF LIEUTENANT GOVERNOR SHALL BE PRINTED
23 IN PAIRS. SUCH PAIRS SHALL BE ARRANGED IN THE ALPHABETICAL ORDER
24 OF THE NAMES OF CANDIDATES FOR GOVERNOR IN THE MANNER PROVIDED
25 FOR IN SECTION 49-11-8. A VOTE FOR ANY SUCH PAIR OF CANDIDATES
26 SHALL BE A VOTE FOR THE DULY NOMINATED JOINT CANDIDATES OF THE
27 POLITICAL ORGANIZATION BY WHICH SUCH CANDIDATES FOR GOVERNOR AND
28 LIEUTENANT GOVERNOR WERE NAMED.

29

1 (4) The name of each person nominated shall be printed
2 upon the ballot in but one place. Opposite the name of each
3 person nominated, including candidates for president and vice-
4 president AND JOINT CANDIDATES FOR GOVERNOR AND LIEUTENANT GOV-
5 ERNOR, shall be the name of the political party or political
6 organization which nominated the candidate, expressed in not
7 more than three words. The county clerk shall not print in con-
8 nection with any name any title or degree designating the busi-
9 ness or profession of the candidate. The names of the candidates
10 for each office shall be arranged under the designation of the
11 office, according to the surnames as provided in section 49-11-8.

12 (5) The positions on the ballot shall be arranged as pro-
13 vided in section 49-11-8 and as follows: First, candidates for
14 president and vice-president of the United States; next, candi-
15 dates for United States senator; next, congressional candidates;
16 NEXT, JOINT CANDIDATES FOR THE OFFICES OF GOVERNOR AND LIEUTENANT
17 GOVERNOR; next, OTHER state candidates; next, legislative candi-
18 dates; next, other candidates for districts greater than a coun-
19 ty; next, county candidates. When other offices are to be filled,
20 the county clerk in preparing the ballot shall use substantially
21 the form prescribed by this section, stating the proper designa-
22 tion of the office and placing the names of the candidates therefor
23 under the same. The questions of the retention in office of jus-
24 tices of the supreme court, judges of the district court, and
25 judges of the county court, in that order, shall be so placed on
26 paper ballots that said questions shall precede the placement of
27 the question or questions concerning amendment of the state con-
28 stitution.

29

1 (6) The ballots shall be so printed to give to each voter a
2 clear opportunity to designate his choice of candidates OR JOINT
3 CANDIDATES by a cross mark (X) in the square at the right of the
4 name OR NAMES. On the ballot may be printed such words as will
5 aid the voter, such as "vote for not more than one".

6 (7) At the end of the list of candidates for each differ-
7 ent office shall be as many blank spaces as there are persons to
8 be elected to such office, in which the elector may write the
9 name of any eligible person not printed on the ballot for whom he
10 desires to vote as a candidate for such office; ~~provided~~ EXCEPT
11 that no cross (X) shall be required to the right of the name so
12 written in. NO WRITE-IN VOTE FOR GOVERNOR SHALL BE COUNTED, UN-
13 LESS THERE IS ALSO INCLUDED A WRITE-IN FOR LIEUTENANT GOVERNOR.

14 SECTION 6. 49-11-8, Colorado Revised Statutes 1963, is
15 amended to read:

16 49-11-8. Arrangement of names on ballots for nonmachine
17 voting in general or special elections. In all general or special
18 elections in precincts using paper ballots, the names of all can-
19 didates AND JOINT CANDIDATES who have been duly nominated for each
20 office shall be arranged on the ballot under the designation of
21 the office in two groups. The names of the candidates of the two
22 major political parties shall be listed in alphabetical order and
23 shall comprise the first group; EXCEPT THAT THE JOINT CANDIDATES
24 FOR GOVERNOR AND LIEUTENANT GOVERNOR SHALL BE ARRANGED IN THE
25 ALPHABETICAL ORDER OF THE NAMES OF THE CANDIDATES FOR GOVERNOR.
26 The names of the candidates AND JOINT CANDIDATES of the remaining
27 political parties or political organizations shall be listed in
28 alphabetical order and shall comprise the second group; EXCEPT
29

1 THAT THE JOINT CANDIDATES FOR GOVERNOR AND LIEUTENANT GOVERNOR
2 SHALL BE ARRANGED IN THE ALPHABETICAL ORDER OF THE NAMES OF THE
3 CANDIDATES FOR GOVERNOR.

4 SECTION 7. 49-12-6 (1), Colorado Revised Statutes 1963
5 (1965 Supp.), is amended to read:

6 49-12-6. Manner of voting in precincts which use paper
7 ballots. (1) In precincts which use paper ballots, on receiving
8 his ballot the voter shall immediately retire alone to one of the
9 voting booths provided, and shall prepare his ballot by marking
10 or stamping in ink or indelible pencil, in the appropriate margin
11 or place, a cross (X) opposite the name of the candidate of his
12 choice for each office to be filled, OR, AS THE CASE MAY BE,
13 OPPOSITE THE NAMES OF THE JOINT CANDIDATES OF HIS CHOICE FOR THE
14 OFFICES TO BE FILLED, but no cross (X) shall be required to the
15 right of the name of any candidate written in by the voter; and
16 in case of a question submitted to a vote of the people, by mark-
17 ing or stamping in the appropriate margin or place, a cross (X)
18 opposite the answer which he desires to give. Before leaving the
19 voting booth the voter shall fold his ballot without displaying
20 the marks thereon, in the same way it was folded when received by
21 him, so that the contents of the ballot shall be concealed and
22 the stub can be removed without exposing any of the contents of
23 the ballot, and he shall keep the same so folded until he has de-
24 posited his ballot in the ballot box.

25 SECTION 8. 49-12-12 (1), Colorado Revised Statutes 1963, is
26 amended to read:

27 49-12-12. Method of counting paper ballots. (1) In pre-
28 cincts which use paper ballots, each ballot shall be read and
29

1 counted separately. Every name AND ALL NAMES OF JOINT CANDIDATES
2 separately marked as voted for on such ballot, where there is no
3 conflict to obscure the intention of the voter, shall be read and
4 marked upon the tally list before any other ballot is proceeded
5 with. The entire number of ballots, excepting "excess ballots",
6 shall be read and counted and placed upon the tally lists in like
7 manner. When all of the ballots, excepting "excess ballots", have
8 been counted, the judges shall estimate and publish the votes.

9 SECTION 9. 49-12-13, Colorado Revised Statutes 1963, is
10 amended to read:

11 49-12-13. Clerk to keep tally sheets. As the judges of
12 election shall open and read the ballots, each clerk, upon tally
13 sheets furnished by the county clerk for that purpose, shall
14 carefully mark down the votes each of the candidates AND EACH
15 PAIR OF JOINT CANDIDATES shall have received. In precincts which
16 use paper ballots, the names of candidates AND NAMES OF EACH PAIR
17 OF JOINT CANDIDATES shall be placed on the tally sheets in the
18 order in which they appear on the official ballots. In precincts
19 which use voting machines, the secretary of state shall prescribe
20 the form of the tally sheets to be used.

21 SECTION 10. 49-12-15 (1), Colorado Revised Statutes 1963,
22 is amended to read:

23 49-12-15. Judges' certificate and statement. (1) As soon
24 as all the votes shall have been read and counted, the counting
25 judges, or the receiving judges in precincts which do not have
26 counting judges, shall make a certificate, attested by the clerks,
27 stating the name of each candidate, designating the office for
28 which such person received votes, and stating the number of votes
29

1 he received, the number being expressed in words at full length
2 and in numerical figures, such entry to be made as nearly as
3 circumstances will admit, in the following form:

4 "At an election held _____, in precinct
5 _____, in the county of _____ and state
6 of Colorado, on the _____ day of _____ in
7 the year _____, the following named persons received the number
8 of votes annexed to their respective names for the following de-
9 scribed offices: Total number of ballots or votes case were
10 _____. A.B. had seventy-two (72) votes for governor; G.D.
11 had seventy-one (71) votes for governor; E.F. had seventy-two (72)
12 votes for lieutenant governor; G.H. had sixty-nine (69) votes for
13 lieutenant governor; A.B. AND E.F. HAD SEVENTY-TWO (72) VOTES FOR
14 GOVERNOR AND LIEUTENANT GOVERNOR; C.D. AND G.H. HAD SIXTY-NINE (69)
15 VOTES FOR GOVERNOR AND LIEUTENANT GOVERNOR; J.K. had sixty-eight
16 (68) votes for representative in congress; L.M. had seventy (70)
17 votes for representative in congress; N.O. had seventy-two (72)
18 votes for state representative; P.Q. had seventy-one (71) votes
19 for state representative; R.S. had eighty-four (84) votes for
20 sheriff; T.W. had sixty (60) votes for sheriff; and the same man-
21 ner for any other persons voted for.

22 Attest:

Certified by us:

23 G.H.)

A.B.)

24) Clerks of Election

C.D.) Judges of Election"

25 I.J.)

E.F.)

26 SECTION 11. 49-15-10 (1), (2), and (3), Colorado Revised
27 Statutes 1963, are amended, and the said 49-15-10, Colorado Re-
28 vised Statutes 1963, as amended, is further amended BY THE ADDITION
29

1 OF A NEW SUBSECTION to read:

2 49-15-10. Arrangement of names on voting machine ballot in
3 general elections. (1) In all general elections in counties in
4 which voting machines are used, the names of all candidates AND
5 JOINT CANDIDATES who have been nominated for each office shall be
6 arranged on the ballot under the designation of the particular
7 office, OR OFFICES, IN THE CASE OF JOINT CANDIDATES, in groups by
8 political party or political organization. The first group shall
9 contain in alphabetical order the names of the candidates of the
10 major political party which shall be entitled to the additional
11 judge of election in odd-numbered precincts. The second group
12 shall contain in alphabetical order the names of the candidates
13 of the major political party which shall be entitled to the addi-
14 tional judge of election in even-numbered precincts. An addi-
15 tional group shall be provided for each remaining political party
16 or political organization and shall contain in alphabetical order
17 the names of the candidates of such political party or political
18 organization. JOINT CANDIDATES FOR GOVERNOR AND LIEUTENANT GOV-
19 ERNOR IN EACH GROUP SHALL BE ARRANGED IN PAIRS AND, IN EACH PAIR,
20 THE NAME OF THE JOINT CANDIDATE FOR GOVERNOR SHALL PRECEDE THE
21 NAME OF THE JOINT CANDIDATE FOR LIEUTENANT GOVERNOR.

22 (2) On voting machines having candidates' names placed on
23 horizontal lines, the county clerk shall arrange the groups of
24 candidates AND JOINT CANDIDATES for each-particular office on
25 such voting machines in the following manner: In all odd-numbered
26 precincts, the first group defined above shall be placed on such
27 machines in the uppermost line or lines; the second group shall
28 be placed on such machines in the next lower line or lines; and
29

1 the additional groups shall be placed on such machines in the
2 next lower line or lines. In all even-numbered precincts, the
3 second group defined above shall be placed on such machines in
4 the uppermost line or lines; the first group shall be placed on
5 such machines in the next lower line or lines; and the additional
6 groups shall be placed on such machines in the next lower line or
7 lines.

8 (3) On voting machines having candidates' names placed in
9 vertical columns, the county clerk shall arrange the groups of
10 candidates AND JOINT CANDIDATES for ~~each-particular~~ office on such
11 voting machines either in the order provided in subsection (2) of
12 this section or in the order provided in section 49-11-8 for paper
13 ballots.

14 (6) No write-in vote for governor shall be counted, unless
15 there is also included a write-in vote for lieutenant governor.

16 SECTION 12. 49-16-8, Colorado Revised Statutes 1963 (1965
17 Supp.), is amended to read:

18 49-16-8. Canvass of votes at general election for state of-
19 ficers. A copy of the official abstracts of votes cast at each
20 general election in each county for governor AND lieutenant gov-
21 ernor, secretary of state, state treasurer, and attorney general
22 shall be sealed by the county clerks of said counties, and deliv-
23 ered or transmitted in a registered package by mail to the secre-
24 tary of state, directed to the speaker of the house of represen-
25 tatives. Upon the organization of the house, the secretary of
26 state shall deliver to the speaker of the house all of the offi-
27 cial abstracts of votes cast for governor AND lieutenant governor,
28 secretary of state, state treasurer, and attorney general that he
29

1 shall have received. Upon the receipt of the same by the speaker
2 of the house of representatives, before proceeding to other busi-
3 ness, he shall open and announce the same in the presence of a
4 majority of the members of both houses of the general assembly,
5 who shall assemble for that purpose in the chamber of the house
6 of representatives. The person having the highest number of votes
7 for any of said offices shall be declared duly elected by the pre-
8 siding officer of the joint assembly, but if two or more have an
9 equal and the highest number of votes for the same office, one of
10 them shall be chosen by the two houses on joint ballot; EXCEPT
11 THAT IN THE EVENT TWO OR MORE PAIRS OF JOINT CANDIDATES HAVE AN
12 EQUAL AND THE HIGHEST NUMBER OF VOTES FOR THE OFFICE OF GOVERNOR
13 AND THE OFFICE OF LIEUTENANT GOVERNOR, ONE PAIR OF SUCH JOINT
14 CANDIDATES SHALL BE CHOSEN BY THE TWO HOUSES ON JOINT BALLOT.

15 SECTION 13. 49-17-1 (1), Colorado Revised Statutes 1963, is
16 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

17 49-17-1. Causes of contest. (1) (g) For the purpose of
18 this article, if the election or nomination of either the gover-
19 nor or lieutenant governor is found to be invalid for any reason,
20 such finding shall not in any way be construed to invalidate the
21 election or nomination of the other joint candidate.

22 SECTION 14. Effective date. This act shall take effect
23 July 1, 1970.

24 SECTION 15. Safety clause. The general assembly hereby finds,
25 determines, and declares that this act is necessary for the imme-
26 diate preservation of the public peace, health, and safety.

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BACKGROUND REPORT

Coordination and Administration of Higher Education in Colorado

The issues involved in the coordination of Colorado's growing system of institutions of higher learning are familiar to the Committee on Organization of State Government and the General Assembly. For higher education is one of the major responsibilities of every state government. The 1968 Book of the States reports that nationally, state general fund expenditures for higher education increased some 214 percent from 1960 to 1968. Moneys from the General Fund in Colorado have increased 218 percent during this same period, while General Fund appropriations to all other State activities increased 222 percent during the period. Finally, appropriations to higher education for fiscal 1969 amounted to \$33 million or nearly 40 percent of all General and Cash Fund expenditures in Colorado.

Present System of Higher Education

The major elements of Colorado's present system of higher education facilities are as follows:

Universities. The University of Colorado with its main campus at Boulder, includes the Colleges of Arts and Sciences, Music, Engineering, Schools of Architecture, Business, Education, Journalism, Law, Medicine, Nursing and Pharmacy and the Graduate School. Degree-granting centers are operated in Denver and Colorado Springs. The Medical Center in Denver includes Colorado General Hospital and Colorado Psychopathic Hospital as well as the academic programs in the medical fields.

Colorado State University at Ft. Collins includes the Colleges of Agriculture, Business, Engineering, Forestry and Range Management, Home Economics, Arts and Sciences and Veterinary Medicine. It also has responsibility for Agricultural Experiment Stations, Agricultural Extension Services and the State Forestry Service.

Colorado School of Mines at Golden, offers professional degrees in nine fields relating to mineral engineering -- chemistry, geology, geophysics, mathematics, metallurgy, mining, petroleum production, petroleum refining and physics.

State Colleges. Colorado State College at Greeley is the largest State college with special orientation in teacher education.

Western State College at Gunnison, and Adams State College at Alamosa, offer master degree programs in liberal arts and sciences and in the professional field of teaching and business.

Southern Colorado State College, Pueblo, and Metropolitan State College in Denver include collegiate level technical education in the health, business and industrial technologies.

Ft. Lewis College at Durango offers a range of liberal art courses. It is the only college currently using the "trimester" term to provide year-round operation divided into three segments.

Community Colleges. Colorado has 11 public community colleges, five of which are part of the State Junior College system.

The five community colleges in the State system are: Trinidad (established 1925), Lamar (1937), Otero (1956), Denver (1967), and El Paso (1967), which became operational in the fall of 1969.

Those not in the State system are: Mesa Junior College (Grand Junction, 1925), Northeastern Junior College (Sterling, 1941), Rangely Junior College (Rangely, 1962), Colorado Mountain College (Glenwood Springs and Leadville, 1967), Arapahoe College (Littleton, 1966), and Aims College (Greeley, 1967).

All junior and community colleges offer two-year courses similar to those offered in the first two years at senior colleges and universities in the State. Satisfactory completion of two years of study qualifies students for admission to third year standing at other colleges and universities. Terminal and technical (occupational) education is also offered to provide employment opportunities on completion of courses.

Governance of Institutions of Higher Learning

Board of Regents of the University of Colorado. The Board of Regents, a constitutional body, is composed of seven members, six elected by popular election, and the President of the University of Colorado, who is a nonvoting member except in case of tie votes. The Board serves as the governing body of the University and all its related activities.

The State Board of Agriculture. The Board consists of eight members appointed by the Governor for overlapping eight-year terms. It serves as the governing body for Colorado State University and Ft. Lewis College, the Agricultural Experiment

Stations, the Agricultural Extension Service and the State Forestry Service.

The Board of Trustees of the School of Mines. This Board consists of five members appointed by the Governor for overlapping six-year terms. It serves as the governing body for the School of Mines only.

The Trustees of State Colleges. This is a corporate body consisting of seven trustees appointed by the Governor for overlapping six-year terms. The Board serves as the governing body for Adams State College, Colorado State College, Metropolitan State College, Southern Colorado State College and Western State College.

The Board for Community Colleges and Occupational Education. This body consists of nine members appointed by the Governor for six-year terms. The presidents of the five State community colleges report to the Board through the director of community colleges, who is responsible for programming and administration.

Each community college has a five-man Advisory Council appointed by the Governor. This Council acts as an intermediary between the college and the State Board in the review and recommendation of the budget, campus development and program plans, proposed curricula and the professional staff appointments, including the chief administrative officer.

The Concept of a Coordinative Body

Some 39 states have established agencies to coordinate the proliferation of publically supported colleges and universities in the United States. The 1968 Council of State Governments' Book of the States comments on this trend in the following manner: "Coordination grew out of necessity. Rapidly expanding enrollments, the need to create new institutions and the necessity to acquire costly machines and equipment to teach and learn the 'new knowledge'; all led to greatly accelerated demands for appropriations. These pressures, in turn, created a double demand in the name of public interest: economy -- meaning specifically the elimination of waste, inefficiency and unnecessary duplication, and the provision of some better basis for allocating the limited resources of the State.

"Coordination takes place whether or not a formal structure for it exists. In the absence of a coordinating board, decisions and allocations are made by the Governor, the Legislature or by a State agency that has some primary function other than higher education. An effective coordinating board offers the advantage of providing a balanced view of the needs of the State and the resources of the State."

Another source summarizes the positive organizational results which may be expected from an effective coordination of higher education in the following way:

1. A coordinating agency in higher education can deal more effectively with conflict between the institutions of education and the instrumentalities of state government if members representing the general public have a voting majority on the board.
2. The coordinating mechanism will function more effectively if its professional staff is independent of the staffs of the educational institutions and the state administrative agencies.
3. The authority structure inherent in a scheme of statutory coordination can serve as protector rather than adversary of the substantive autonomy of institutions.
4. A coordinating agency will be more effective if the distinguishing roles and functions of the various institutions or institutional systems are clearly defined, if adherence to these definitions is enforced and if provision is made for innovative change and modification of the definitions.
5. A coordinating organization can exercise progressive leadership of its state's higher educational affairs if it can create a viable equilibrium among the divisive forces generated out of the opposing goals, conflicting functions and competitive aspirations of the various parties to coordination.

Coordination of Higher Education in Colorado

The Commission on Higher Education. The Commission consists of seven members appointed by the Governor for four year terms. It was established by the General Assembly in 1965 with the directive to develop plans and programs to make higher education as available as possible, to avoid unnecessary duplication of academic programs, generally coordinate the present colleges and universities, and to plan further development of higher education. Presently, it reviews operating and capital construction budget requests of the state-supported institutions of higher learning, and makes recommendations on these matters to the Governor and the General Assembly, and reviews proposals by colleges and universities for new degree programs.

The Commission on Higher Education is the responsible agency for administration of federal funds under Public Law 88-204 and amendments thereto -- the "Higher Education Facilities Act" and such other federal programs as assigned by the Governor or General Assembly. The Commission is also designated as the state agency to administer Title I of the Federal Higher Education Act of 1965, dealing with Community Services and Continuing Education, and to administer Title VI of the same Act, providing a program of federal matching funds for undergraduate instructional equipment.

Other responsibilities include serving as liaison with the U. S. Office of Education and United Student Aid Funds, Inc., relative to the Federal Guaranteed Student Loan Program provided by Title IV, Part B, Higher Education Act of 1965.

The Commission is supplemented by an Advisory Committee for the purpose of maintaining liaison with the General Assembly and the respective boards represented on the committee. The Advisory Committee consists of nine members: four members from the General Assembly - two Senators (one from each major political party), appointed by the President of the Senate, and two Representatives (one from each political party), appointed by the Speaker of the House of Representatives; and five members, one from each of the following boards, Board of Regents of the University of Colorado, State Board of Agriculture, Board of Trustees, School of Mines, Board of Trustees of the State Colleges, and State Board for Community Colleges and Occupational Education.

The Commission appoints an executive director who, with his staff, performs staff functions for the Commission and conducts all studies and programs of the Commission. The executive director has a staff of approximately 10 persons. It is reported that the Commission's activities are about evenly divided among the following four functions: academic programming, facility planning and control, administrative systems and computer applications, and administration of federal funding.

The present law describes the functions of the Commission as concerned with the review of institution costs and appropriation priorities. The statutes refer to other functions of advice and counsel as "review," "request," "advise," "recommend," and "serve."

Past Proposals to the Organization Committee

During the 1967 interim, the Committee discussed the so-called "three-legged stool" concept for higher education. One segment or leg, would be the junior colleges and vocational education. The second segment would be the four year state colleges; and the third segment would be the reorganized university system

-- a single governing board for the University of Colorado, Colorado State University, and the Colorado School of Mines. Two proposals were presented to the Committee in 1967: one drawn by the Commission on Higher Education, and a second agreed upon by the Regents of the University of Colorado and the Trustees of the Colorado School of Mines. After a common position could not be reached between advocates of the two proposals, the matter was not pursued.

Appraisal by the Governor's Committee on Efficiency and Economy

A relatively complete analysis of the current operation of the Commission on Higher Education was developed as a part of the study conducted by the Governor's Committee on Government Efficiency and Economy published in March, 1969. Relevant sections of that report are quoted as follows:

"During the first three years of its existence, the Commission has been relatively ineffective primarily due to the limited authority and responsibility assigned to the Commission by the statutes creating the Commission. It neither has been staffed with an adequate number of personnel nor adequately financed to perform even those advisory duties under its charter by law.

"Many changes and developments have occurred in Colorado's system of higher education in the past 10 to 15 years. Major deficiencies exist, however, in that higher education in Colorado does not have a sound organization structure nor a master plan relating to its present status nor for its future. The largest educational institutions are independently governed and compete with each other for the budgetary support of the Legislature. Until quite recently, a very limited geographical area (Golden, Boulder, Fort Collins, Greeley, Denver) contained the four best known (and generally largest) educational institutions. It appears that political pressures have had more impact on the location and development of educational institutions than any plan or approach based upon logic. Growing like "Topsy" may fairly describe the past situation -- despite the fact that Colorado can no longer afford to operate its system of higher education in this manner.

"Creation of the Commission on Higher Education in 1965 was an important step designed to remedy some of the basic deficiencies in the structure of higher education. Unfortunately very limited authority and responsibility was given to the Commission. Even such limited authority has been subjected to substantial political pressures.

Regarding the review of the institutional budgets of the Report comments: "The results and recommendations made to the Executive Budget Office and to the Joint Budget Committee are, at

best, a response to requests originated by the institution, based upon present levels of funding. These are not independent assessments of needs related to the accomplishment of specific goals. Present budget procedures involve review at institutional governing board, commission, executive budget and legislative budget office levels and consume too much time and effort in this lengthily process.

"Higher education in Colorado has grown to the point where closer coordination is critical to continuing a high quality of advanced education."

Specific Efficiency and Economy Recommendations. The report's first and most encompassing recommendation gave support to the concept of the "three legged stool" and the overall coordination of higher education by the Commission on Higher Education. In recommendations that further detailed this broader suggestion, the Efficiency and Economy report contended that:

- (1) The role of the Commission on Higher Education should be strenthened and solidified;
- (2) A master plan for higher education should be developed as a coordinated effort of the Commission on Higher Education in conjunction with the various governing boards;
- (3) Clarify the Commission's authority to approve or disapprove all new units of instruction, research or public service on the basis of need, adequacy of staff and adequacy of funding;
- (4) Expand the Commission's authority to include a review and approval or disapproval of existing units of instruction, research or public service;
- (5) Expand the Commission's role to include control of self-liquidating construction projects and renovating projects which exceed \$50,000;
- (6) Establish a single state bonding authority in the Commission for revenue bond issues for self-liquidating enterprises;
- (7) Allow the Commission to establish uniform administrative systems in such areas as fiscal management, procurement, personnel, and data processing for all institutions; and
- (8) The Commission should coordinate and approve all fees and charges affecting educational and general activities at institutions.

In many instances, the recommendations of the efficiency and economy Report parallel the new provisions of the bill recommended by the Committee on Organization of State Government.

The Financing of Intercollegiate Athletics

The Intercollegiate Athletics Finance Study by the Commission on Higher Education and the Legislative Audit Committee

The most current study of the financing of intercollegiate athletics was compiled in March, 1969, for consideration by the Commission on Higher Education and the Legislative Audit Committee. It was a report of findings of fact and omits recommendations of policy or procedural change. Its purpose was to provide the most authoritative background information currently available. The report was limited to a study of the practices at six colleges and universities: Colorado State University, the University of Colorado, Colorado School of Mines, Colorado State College, Southern Colorado State College, and Trinidad State Junior College.

In its introduction, the Report notes:

Over the years, intercollegiate athletics programs have grown much as higher education in general has grown -- in response to interests and pressures brought to bear on particular institutions from time to time; their development has not reflected any well-thought-out plan or coherent state policy. They have, moreover, grown to a large extent outside the regular processes of statewide planning and coordination because they have been funded in large part by non-state funds. Direct operating responsibility for these programs is vested in the governing boards; the coordinating authority given the Colorado Commission on Higher Education does not explicitly include auxiliary enterprise activities such as athletics. However, the Commission has become increasingly aware of their potential impact on both operating and capital fund requirements and of the important place they may play in campus life, and accordingly of the importance of the development of state policy guidelines relating to these programs. Without being "for" or "against" intercollegiate athletics it seems apparent that their role, like that of many components of the traditional college program and of "campus life," must come under scrutiny in the face of changing needs and opportunities in higher education.

The Report's principal findings identified problem areas of general concern. A synopsis of these findings are listed below:

(1) Intercollegiate athletics is a big and costly business. In the six institutions studied, it appears that true costs

range from approximately \$100,000 per year at Trinidad to \$1.14 million at the University of Colorado and in these six institutions alone, aggregate \$2.8 million. While the proportion of this total that is funded from tax sources has not been determined, it seems apparent that this amount is approximately \$600,000.

(2) Current accounting practices for intercollegiate athletics in some cases are inadequate to provide for proper accountability and in all cases, fail to provide for a full statement of revenues and charges properly made to intercollegiate athletics. More specifically:

There are variations among institutions in what is accounted for in intercollegiate athletics accounts. For example, athletic aid derived from state sources in most cases is not actually charged to this account (although it may be noted by memorandum entry). Allocations for administrative overhead cost are made at some institutions, not at others. Coaches salaries and salaries of other athletics personnel are prorated according to auditable allocations of their service at some institutions; they are prorated arbitrarily at some; they are not prorated at all, at others. There is wide variation among the institutions in the allocation to athletics, physical education, plant maintenance or other accounts of such costs as salaries, administrative overhead, insurance, plant maintenance, utilities, travel, and others.

(3) As a result of the inadequacies in accounting practices, it is not possible at the present time in most of the institutions to state the true costs of intercollegiate athletics programs or the precise portion of total costs paid from state and non-state funds.

(4) General Fund (i.e., tax fund) sources carry a substantial proportion of the apparent costs of intercollegiate athletics programs. In the six institutions studied, approximately \$400,000 was made available for tuition aid, in 1967-68; and at Colorado State College, Colorado School of Mines, and Southern Colorado State College alone, it appears that some \$175,000 additional is absorbed by General Fund accounts for such items as salaries of coaches and other athletics personnel, unallocated administrative expense, and physical plant operations. At one institution (Trinidad), costs beyond income are regularly charged to auxiliary enterprise balances rather than absorbed by the college fund.

(5) In the use of General Fund sources for coaches salaries and certain intercollegiate athletics administrative expenses, current state practice differs between the two universities on the one hand and the four-year colleges, on the other. For many years the State has regularly provided tax fund support toward coaches' salaries and some other intercollegiate athletic costs in the state colleges and at the Colorado School of Mines;

it has been the general policy that at the universities, intercollegiate athletic programs are wholly self-supporting excepting for tuition aid funds for athletes and other limited expenditures that in some cases have not always been rigorously prorated (such as insurance, utilities, plant maintenance).

(6) By traditional practice, tuition waiver funds for athletics are treated with total waiver funds as unrealized (potential) income to the General Fund and are not charged as a cost of the intercollegiate athletics programs (though amounts are often recorded as a memorandum entry). By contrast, non-state-funded grants-in-aid including payments from the intercollegiate athletics account for required fees, books, etc., are regarded as intercollegiate athletics costs and are so recorded. These practices undoubtedly reflect the effective policy of the state that state funds may be used in aid of athletes and athletics programs as well as in aid of scholars (i.e., for "scholarships") and of students with proven financial needs.

(7) Many policies relating to intercollegiate athletics programs and facilities which have, or may have, major impact upon state funds are determined by institutions of higher education outside of the regular review processes that are associated with plans and policies in other areas which may be of less significance.

(8) Budget proposals for intercollegiate athletics, inclusive of non-state funds, have not been subject to review at the state level. Information pertaining to athletics which has been supplied with budget requests for educational and general purposes has been incomplete and not intended to reflect actual planned operating levels and practices. Among the results, institution practices affecting cost prorations among funds, student fee charges, deficit situation and the like are not known until after the fact.

(9) With respect to athletics facilities there is no policy, and there are some cases of possible inequity, in the provision of buildings that serve for intercollegiate athletics, physical education, and sometimes for other purposes. There are instances where non-state funds including student fees have been required for the construction of multi-purpose facilities, and others in which buildings used for intercollegiate athletics as well as physical education have been entirely paid for with state funds.* There is no state policy concerning allocations of operating costs according to building utilization.

*A member of the Organization Committee, Senator William Armstrong, emphasized that as a former member of the Joint Budget Committee he understands that the State does have a policy regarding the financing of construction of athletic facilities.

The Colorado State University Issue

In considering the intercollegiate athletic program at Colorado State University, the Committee found that many of the inadequacies in accounting for the financing of athletic programs were symbolized in the issues surrounding the construction of the gymnasium-auditorium and stadium facilities.

In 1967, C.S.U. joined the Western Athletic Conference. As a result of this action and out of need for expanded facilities, a new stadium and an auditorium-gymnasium complex were constructed. To be sure, the need for both facilities had been expressed since the beginning of the decade. Requests prior to this time had been denied to the University because new facilities were more urgently needed in areas of the school's academic program. The 1962 Session of the General Assembly appropriated \$75,000 for the preparation of plans for an auditorium-gymnasium. It had been estimated in 1961 that the facility would cost \$2.4 million; at the conclusion of the planning stage however, the cost was reestimated at \$3.8 million. The 1963 Session was requested to appropriate this sum over a two-year period, 1963-64 and 1964-65. The General Assembly did appropriate \$2.8 million in 1963, but this sum was for the complete construction and equipping, exclusive of furnishing, of the facility. At the same time the \$2.8 million was designated the Joint Budget Committee indicated verbally that it would recommend \$200,000 be appropriated by the 1964 General Assembly for furnishings. The Joint Budget Committee also recommended that Colorado State University be responsible for financing the furnishings or "spectator seating", at a cost of \$800,000. To facilitate this objective, the State Board of Agriculture requested a provision be incorporated in the statutes which would allow the board to issue anticipation warrants. This authority was granted by the legislature in 1964, and is provided in 124-10-36, C.R.S. 1965 Supp.

When the warrants were issued on the auditorium-gymnasium, they totalled \$1,686,000: \$800,000 originally sought; \$200,000 in promised but never appropriated money for furnishings and equipment; and \$686,000 for site development -- walks, lights, streets, etc. Thus, when the facility was completed in 1966, the total cost was \$5,044,667; \$2,986,097 had come from legislative appropriations, \$414,451 from an allocation of student activity fees collected during the 1965 to 1968 academic years and \$44,119 from sales tax refunds.

Planning for the stadium, the State Board of Agriculture recognized a need to replace a bleacher-type facility built in 1913 which provided seating for 13,000 spectators. The new stadium plan called for 30,000 spectator seats with an ability to provide end-zone seating for an additional 20,000 people. The sources of funding were as follows: no legislative appropriation; \$56,000 from student activity fees; \$80,000 from interest income

from reinvestment of bond proceeds; \$27,000 from sales tax refunds; and \$2.8 million from the issue of revenue bonds. In addition to the sum for the stadium, \$1.6 million in revenue bonds were issued to repay the warrants on the auditorium-gymnasium which matured on June 1, 1968. Thus, the total sum of the bond issue for the facilities was \$4.4 million. The bond issue was dated August 1, 1967. A summary of the costs and sources of funds required for constructing the two facilities are shown below:

<u>Project Costs:</u>	<u>Auditorium- Gymnasium Facility</u>	<u>Stadium Facility</u>	<u>Totals</u>
Construction costs.....	\$3,927,704	\$2,323,800	\$6,251,504
Interest during construction.....	162,017	130,000	292,017
Architect's and Engineering fees.....	252,467	141,800	394,267
Site improvements and utilities.....	369,686	90,000	459,686
Fixtures and equipment...	286,057	210,000	496,057
Legal and Miscellaneous costs.....	<u>46,736</u>	<u>68,000</u>	<u>114,736</u>
Total Costs.....	<u>\$5,044,667</u>	<u>\$2,963,600</u>	<u>\$8,008,267</u>

Source of Funds

Legislative Appropriations.....	\$2,986,097	\$ -0-	\$2,986,097
Allocation of student activity fees collected during 1965 to 1968 academic years.....	414,451	56,600	471,051
Interest income from reinvestment of bond proceeds.....	-0-	80,000	80,000
Sales tax refunds.....	44,119	27,000	71,119
Revenue Bonds (this issue)	<u>1,600,000</u>	<u>2,800,000</u>	<u>4,400,000</u>
Total funds received	<u>\$5,044,667</u>	<u>\$2,963,600</u>	<u>\$8,008,267</u>

Payment of the bonds is coming from income and revenue derived from the operation of the auditorium-gymnasium and stadium facilities. All gate receipts, concession revenues and parking receipts are included in pledged revenues along with a portion of the student activity fee allocated by the Board of Agriculture for athletics and collected from all full-time students enrolled at the University. At the time the bonds were sold it was thought

that these sources of income would be more than sufficient to meet payments on the bonds. In reality however, income fell below expectations and far below expenditures. Thus, by December, 1969, the intercollegiate athletics deficit was \$493,938. The University's financial report for this period indicates that the financing of this deficit has been made from other fund balances with the ultimate effect of reducing the consolidated assets of the university which could be available for other purposes.

It was reported to the Committee that during the three years prior to fiscal 1968, \$338,568 in income from student fees earmarked for intercollegiate athletics was utilized for the Athletic Facilities Construction Fund. When payments of construction loan interest or debt service on the auditorium-gymnasium and the stadium were initiated, the overall result was to move the intercollegiate athletics fund from a surplus to a deficit.

C.S.U.'s Present Intercollegiate Athletic Budget

At the Committee's last meeting of this interim, and pursuant to the Committee's request, C.S.U. presented a more detailed analysis of their intercollegiate budget than had previously been organized for the Committee's consideration. This analysis is contained in Tables 1 through 5.

Table 1 shows the total value of student fees at \$12 per quarter and with the additional \$8 a quarter increase. The \$12 per quarter fee raises some \$500,675 which the added \$8 a quarter fee accounts for an additional \$333,783 per year. Table 1 also shows the cost of the debt service on the \$4.4 million auditorium-gymnasium-stadium issue. The debt service figure for 1969-70 is \$251,952. The share of the \$4.4 million bond issue assigned to the auditorium-gymnasium is \$1,686,000 or, as presented in Table 1, \$1.6 million. In response to the Committee's request, the percent that the auditorium-gymnasium bond issue is of the total \$4.4 million bond issue was calculated and that percent applied to this fiscal year's debt service. This figure is calculated at \$91,610.

In addition, and again at the Committee's request, usage levels by physical education, intramural and other activities for the auditorium-gymnasium were calculated and applied to the debt service on the auditorium-gymnasium. Table 2 shows that approximately 85 percent of the usage of the facility is by other than intercollegiate activities. Thus the calculation of $\$91,610 \times 85\%$ shows that \$77,869 may approximate the General Fund money that could be used to pay the "instructional" use of the auditorium-gymnasium facility.

A final calculation on Table 1 shows the amount that might be appropriated to cover the cost of instructional use of the

Table I
ATHLETIC DEPARTMENT BUDGET
COLORADO STATE UNIVERSITY

I. Student Athletic Fee - 1969-70

a. \$36 per academic year athletic fee will produce $\angle(2.56725) (16252) \angle x \$12/\text{qtr}$	\$500,675
b. \$24 per academic year athletic increase will produce $\angle(2.56725) (16252) \angle x \$8/\text{qtr}$	<u>333,783</u>
Total revenue from \$60/academic year fee	\$834,458

II. Debt Service

a. Debt service for 1969-70	\$251,952
b. Total bond issue for Auditorium-Gymnasium-Stadium	\$4,400,000
c. Share of bond issue assigned to Auditorium-Gymnasium	1,600,000
d. $\$1,600,000 \div \$4,400,000 = 36.36\% \times \$251,952 = \$91,610$	
e. Usage levels of Auditorium-Gymnasium facility (by physical education, intramural and other activities, but not including Intercollegiate Athletics) applied to debt service on \$1,600,000.	
\$91,610 x 70% = \$64,127	
\$91,610 x 75% = \$68,707	
\$91,610 x 80% = \$73,288	
\$91,610 x 85% = \$77,869	
\$91,610 x 90% = \$82,449	

f. Operating deficit of \$493,938 as it relates to debt service in past years for Auditorium-Gymnasium:

1964-65	\$91,610 x 85%	= \$77,869
1965-66	\$91,610 x 85%	= \$77,869
1966-67	\$91,610 x 85%	= \$77,869
1967-68	\$91,610 x 85%	= \$77,869
1968-69	\$91,610 x 85%	= \$77,869
1969-70	\$91,610 x 85%	= <u>\$77,869</u>

Total \$467,214

A one-time State appropriation of \$467,214 would cover these past years; continuing State support for the auditorium-gymnasium in the amount of \$77,869 per year beginning in 1970-71 would provide for the instructional use of this facility.

Source: Colorado State University, December 5, 1969.

Table 2

COLORADO STATE UNIVERSITY AUDITORIUM-GYMNASIUM FACILITY UTILIZATION

Participant and Spectator Hour Use Distribution

Facility	Athletics		Physical Education		Intramurals & Recreation		Other		Total	
	Hour Use	Contact Hr. Use	Hour Use	Contact Hr. Use	Hour Use	Contact Hr. Use	Hour Use	Contact Hr. Use	Hour Use	Contact Hr. Use
Auditorium-Gymnasium	375	157,160	408	17,206	156	9,176	874	539,556	1,813	723,098
Physical Education Gymnasium	10	150	1,260	140,940	1,764	175,788	300	5,800	3,334	322,678
Auditorium	312	9,360	1,450	36,610	684	17,385	124	15,875	2,570	79,230
Wrestling Room	150	4,500	320	11,200	80	17,280	316	450	866	33,430
Gymnastics Room	250	5,000	1,360	38,962					1,610	43,962
Handball Courts			1,840	59,116	2,070	74,520			3,910	133,636
Classrooms			2,940	102,900					2,940	102,900
Physical Training Rooms	<u>2,310</u>	<u>11,260</u>	<u>660</u>	<u>19,800</u>					<u>2,970</u>	<u>31,060</u>
TOTALS	3,407	187,430	10,238	426,734	4,754	294,149	1,614	561,681	20,013-	1,469,994

Notes

With hour use basis, Athletics used the entire Auditorium-Gymnasium complex 17 percent of the time.
 With contact hour basis, including participants and spectators, Athletics used the entire complex 12.8 percent of the time.
 With hour use basis, Athletics used the Auditorium 20.7 percent of the total.
 With contact hour basis, including participants and spectators, Athletics used the Auditorium 21.7 percent of the total.

1. In one year the percentate of use in the Auditorium by Physical Education and Intramurals has increased considerably.
 At the present time Athletics' use of the Auditorium is 15 percent compared to 20.7 percent just one year ago.

Auditorium use by Physical Education has more than doubled from 408 hours to 840 hours.
 Auditorium use by Intramurals and Recreation almost tripled from 156 hours to 408 hours.

2. Football practice field use for intramurals has increased by 7,200 contact hours.
3. Tennis courts are overcrowded and the majority of the fall and spring physical education tennis program has been moved to the auditorium parking lot for a total of 24,000 contact hours.

auditorium-gymnasium over the history of the structure; this figure is estimated at \$467,215.

Table 2 specifies the utilization of the auditorium-gymnasium facility for intercollegiate athletics, physical education programs, intramurals and recreation, and other activities which may or may not be classified as of strict academic benefit to the students but are nevertheless conducted in the auditorium-gymnasium in its role as a public facility.

Table 2 shows utilization of the facility in terms of "hour use" and "contact hour use". Hour use is defined as the total number of hours the facility is used irrespective of the number of people using the facility during those hours; contact hour use, on the other hand, takes account of the number of people using the facility. Thus, for example, if 10,000 are in the facility for a two hour basketball game, the hour use of the facility would be recorded as 2, however, the contact hour use would be 20,000 or the number of people in the facility for the event times the amount of time for the event. As the footnotes to Table 2 indicate, at presently the auditorium-gymnasium complex is used by intercollegiate athletic programs approximately 15 percent of the time. Thus 85 percent of the time the facility is in use it is being used for physical education, intramurals and recreation, and other activities. This 85 percent figure was cited in Table 2 as a measure that could be used to cover the cost of instructional use of the facility.

Table 3 expresses the C.S.U. intercollegiate athletic budget if the current financing is maintained. This would mean that a student fee of \$60 per academic year would be retained and that there would be no State support for the 85 percent instructional use of the auditorium-gymnasium complex. Finally, there would be no State appropriation to cover the present \$493,938 deficit. Under such a proposal it is estimated that the operating deficit could be reduced by \$34,459.

Still another approach outlined in dollar figures appears as Table 4 which presents the student proposal of reducing student fees from \$60 to \$48.50 per academic year, imposing a \$1 per ticket charge on students attending basketball games, no support of the 85 percent concept, but a State appropriation equal to the amount of the total operating deficit, \$493,938.

Finally, Table 5 presents a third alternative. This proposal reduces the student fees to \$17 per quarter, (from \$60 to \$51 per school year) imposes the \$1 fee per basketball game, supports the 85 percent proposal, but does not provide for State assumption of the operating deficit. Such a procedure would allow C.S.U. to pay off the deficit at an estimated \$25,000 per year.

Table 3

Budget Possibility A:

CONTINUE PRESENT POSITION

- (1) Retain student fee at \$60 per year. $[(2.56725) (16252)] \times \$20/\text{qtr} = \$834,459$
- (2) No support from State funds for "85% instructional use of Auditorium-Gymnasium" (specifically \$77,869 per year).
- (3) No State appropriations to cover operating deficit. (\$493,938)

REVENUE BUDGETEXPENDITURE BUDGET

	<u>7/1/69 Budget</u>	<u>12/1/69 Budget</u>	<u>Possibility A</u>		<u>7/1/69 Budget</u>	<u>12/1/69 Budget</u>	<u>Reductions</u>	<u>Possibility A</u>
Student fees	\$ 800,000	\$ 825,000	\$ 834,459	Salary & PERA	\$ 261,000	\$ 258,000	Contracts are set	\$ 258,000
Student tuition allocation	160,000	160,000	160,000	Tuition & fees	206,000	195,000	Set for balance of year	195,000
Football gate	168,000	131,000	131,000	Board & room	167,000	160,000	Set for balance of year	160,000
Basketball gate	78,000	82,000	82,000	WAC dues	13,000	12,500	Fixed charge	12,500
Faculty cards	15,000	11,300	11,300	Debt service	252,000	251,952	Fixed charge	251,952
Other & Misc.	30,000	35,000	35,000	Genl. Admin. & Plant M & O	45,000	45,000	Fixed charge	45,000
Concessions & programs	22,000	20,000	20,000	Administration & Sports Expense	370,000	354,848	Required for program	354,848
Parking	11,000	8,000	8,000					
TV	30,000	30,000	30,000					
				Retirement of op- erating deficit	<u>-0-</u>	<u>25,000</u>	<u>9,459</u>	<u>34,459</u>
	<u>\$1,314,000</u>	<u>\$1,302,300</u>	<u>\$1,311,759</u>		\$1,314,000	\$1,302,300	\$9,459	\$1,311,759

Source: Colorado State University, December 5, 1969.

Table 4

Budget Possibility B:

STUDENT PROPOSITION

- (1) a. Reduce student fee from \$60 to \$48.50 per year. $\frac{[(2.56725)(16252)]}{7} \times \$16.17/\text{qtr} = \$674,660$
 b. Impose price of \$1.00 per ticket on students for attendance at basketball games
- (2) No support from State funds for "85% instructional use of Auditorium-Gymnasium" (specifically \$77,869 per year).
- (3) A State appropriation to cover total operating deficit. (\$493,938)

REVENUE BUDGETEXPENDITURE BUDGET

	<u>7/1/69 Budget</u>	<u>12/1/69 Budget</u>	<u>Possibility B</u>		<u>7/1/69 Budget</u>	<u>12/1/69 Budget</u>	<u>Reductions</u>	<u>Possibility B</u>
Student fees	\$ 800,000	\$ 825,000	\$ 674,660	Salary & PERA	\$ 261,000	\$ 258,000	Contracts are set	\$ 258,000
Basketball gate (student tickets) -0-	-0-	-0-	35,000	Tuition & fees	206,000	195,000	Set for balance of year	195,000
Student tuition allocation	160,000	160,000	160,000	Board & room	167,000	160,000	Set for balance of year	160,000
Football gate	168,000	131,000	131,000	WAC dues	13,000	12,500	Fixed charge	12,500
Basketball gate	78,000	82,000	82,000	Debt service	252,000	251,952	Fixed charge	251,952
Faculty cards	15,000	11,300	11,300	Genl. Admin. & Plant M & O	45,000	45,000	Fixed charge	45,000
Other & Misc.	30,000	35,000	35,000	Administration & Sports Expense	370,000	354,848	(90,340)	264,508
Concessions & programs	22,000	20,000	20,000					
Parking	11,000	8,000	8,000					
TV	30,000	30,000	30,000					
				Retirement of operat- ing deficit	-0-	25,000	(25,000)	-0-
	<u>\$1,314,000</u>	<u>\$1,302,300</u>	<u>\$1,186,960</u>		<u>\$1,314,000</u>	<u>\$1,302,300</u>	<u>\$(115,340)</u>	<u>\$1,186,960</u>

Table 5

Budget Possibility C:

REDUCE FEES, SUPPORT 85% USE, NO STATE APPROPRIATION ON DEFICIT

- (1) a. Reduce student fee from \$60 to \$51 per year. $\frac{[2.56725] (16252)}{7} \times \$17/\text{qtr} = \$709,290$.
 b. Impose price of \$1.00 per ticket on students for attendance at basketball games.
- (2) Support from State funds for "85% instructional use of Auditorium-Gymnasium" level (specifically \$77,869 per year).
- (3) No State appropriation to cover operating deficit. Colorado State University to pay off operating deficit.

REVENUE BUDGETEXPENDITURE BUDGET

	<u>7/1/69 Budget</u>	<u>12/1/69 Budget</u>	<u>Possibility C</u>		<u>7/1/69 Budget</u>	<u>12/1/69 Budget</u>	<u>Reductions</u>	<u>Possibility C</u>
Student fees	\$ 800,000	\$ 825,000	\$ 709,290	Salary & PERA	\$ 261,000	\$ 258,000	Contracts are set	\$ 258,000
Basketball Gate (student tickets)-0-		-0-	35,000					
Student tuition allocation	160,000	160,000	160,000	Tuition & fees	206,000	195,000	Set for balance of year	195,000
Football gate	168,000	131,000	131,000	Board & room	167,000	160,000	Set for balance of year	160,000
Basketball gate	78,000	82,000	82,000	WAC dues	13,000	12,500	Fixed charge	12,500
Faculty cards	15,000	11,300	11,300	Debt service	252,000	251,952	(77,869)	174,083
Other & Misc.	30,000	35,000	35,000	Genl. Admin. & Plant M & O	45,000	45,000	Fixed charge	45,000
Concessions & programs	22,000	20,000	20,000	Administration & Sports Expense	370,000	354,848	(3,133)	351,917
Parking	11,000	8,000	8,000					
TV	30,000	30,000	30,000					
				Retirement of operat- ing deficit	-0-	25,000		25,000
	<u>\$1,314,000</u>	<u>\$1,302,300</u>	<u>\$1,221,500</u>		<u>\$1,314,000</u>	<u>\$1,302,300</u>	<u>\$(81,002)</u>	<u>\$1,221,500</u>

Source: Colorado State University, December 5, 1969.

Suggestions for Contending with the Intercollegiate Athletics Issue

The Committee received a number of suggestions relating to ways and means of contending not only with the deficit at Colorado State University but also with the broader issue of financing all of intercollegiate athletics in Colorado.

A Proposal by Dr. Chamberlain, President, Colorado State University. Dr. Chamberlain presented the following proposals to the Organization Committee:

He suggested that discussion of the intercollegiate athletic program at Colorado State University should start with agreement on four basic assumptions:

- (1) The financial support of the athletic program should be shared by State, the students, and the ticket-buying public.
- (2) Reasonably effective participation in the Western Athletic Conference will continue.
- (3) The facilities (the auditorium-gymnasium and the stadium) exist and the covenant requirements will be met.
- (4) No expansion in program is anticipated.

Furthermore, Dr. Chamberlain suggested that there are three necessarily related parts of a solution of the issue:

- (1) A long-term plan for financing the program, with whatever distribution of cost among the participants found feasible.
- (2) The disposition of the accumulated operating deficit.
- (3) Any distribution of the cost other than the one now existing should provide for a solution to whatever funding problems are created in the 1969-70 budget and/or in the transition period during which a new distribution scheme evolves.

Specifically, Dr. Chamberlain requested consideration of a suggestion which consisted of four points:

- (1) Student participation on an "optional attendance-basic fee" basis with two elements:
 - (a) A mandatory, basic-student fee (Example: \$36 per academic year for 1970-71).

- (b) Optional attendance at football and basketball athletic events with a student ticket price of \$2.00 per game for football games and \$1.00 per game for basketball games, with no charge for other sports events.
- (2) State participation to take the following form:
- (a) Formal and continuing support to the University physical education and athletic program to the extent of 3% of the Educational and General budget. To the extent that the athletic program and budget are distinct, 1% of the Educational and General budget would be sufficient.
 - (b) A "one-time only" appropriation of \$490,000 to balance the operating deficit incurred during 1967-68 and 1968-69.
- (3) Joint State-student participation currently takes the form of athletic grants-in-aid. A reasonable support program can be sustained by designating 2.5% of gross tuition receipts for this purpose (the current level is 2.1%).
- (4) Participation by the ticket-buying public to come in the form of ticket price increases in the future which recognize inflation and continued opportunity for individual financial support of the athletic program. The erratic nature of gate receipts from public sale of tickets is well known. Attendance is related to weather, win-loss record, competing events, and so on.

In explaining the State's role in his proposal, Dr. Chamberlain noted that C.S.U.'s Education and General budget for fiscal 1970 is \$21.5 million. Thus a designation of 1 percent for an athletic program would equal \$215,000, or a designation of 3 percent for a combined physical education-intercollegiate athletic program would total \$645,000.

In concluding his formal remarks to the Committee, Dr. Chamberlain noted that

"It has been difficult and could become moreso for the state to achieve equity in the level of its support to athletic programs in the various colleges and universities. There is wide variation among the institutions in the allocation to athletics, physical education, plant maintenance, or other accounts of such costs as salaries, administrative overhead, insurance, plant maintenance, utilities, travel, and

others. With respect to athletics facilities there is no policy, and there are some cases of possible inequity, in the provision of buildings that serve for intercollegiate athletics, physical education, and sometimes for other purposes. There are instances where non-state funds including student fees have been required for the construction of multi-purpose facilities, and others in which buildings used for intercollegiate athletics as well as physical education have been entirely paid for with state funds. There is no State policy concerning allocations of operating costs according to building utilization. These complications could be avoided with support to athletic programs that is designated as a percentage of total Education and General budget."

A Student Proposal. Mr. James Starr, President, Associated Students of Colorado State University, presented the Organization Committee with a compromise proposal for financing the intercollegiate athletic program. The proposal represented Mr. Starr's position and the thinking of the Committee Opposed to the Athletic Fee Increase.

The proposal called for a compromise on the part of C.S.U. students by requiring them to pay \$12.50 of the \$24.00 annual athletic fee increase initiated in the fall of 1969. It asks that the University compromise its present commitment to the 1969-1970 athletic department budget by instituting an \$80,000 cutback on intercollegiate expenditures for the spring quarter. Finally, incorporated in the compromise was the request that the State pay off the existing deficit.

Mr. Starr observed that the proposal does not solve the problem of financing for future years, should the State decide not to commit funds annually for the Department of Intercollegiate Athletics. If this would be the case, Mr. Starr suggested that three possibilities for financing exist:

- (1) C.S.U. students continue to "pay a disproportionate share" of the intercollegiate athletics budget.
- (2) The State Board of Agriculture reduces its level of commitment to intercollegiate athletics.
- (3) The spectators at the sports events start paying the "true costs" for fielding intercollegiate athletic teams.

Concluding his remarks, Mr. Starr reported that mandatory student fees pay for over 60% of the athletic department budget. He contended that when the student fee increase was first proposed by the C.S.U. administration, over two-thirds of it was to be used for retirement of the deficit. Thus, Mr. Starr requested that the Legislature give direction to the State Board of Agriculture to this effect if the \$490,000 deficit is State paid.

A Proposal by Senator Fred Anderson. As a result of his work with the issue as a member of Legislative Audit Committee, and his own concern with the problem, Senator Anderson presented the Organization Committee with two possible solutions to the deficit at C.S.U. The first suggestion involved an offer on the part of the State to holders of bonds on the auditorium-gymnasium and stadium to buy part of the bonds back. He estimated that the State could offer to buy \$2 million of bonds at a price of \$830 per \$1,000 of par value. The State would appropriate \$1,686,000 as a tender offer for the auditorium-gymnasium share of the \$4.4 million bond issue.

Senator Anderson reported that redeeming \$2 million in bonds would reduce the debt service by some \$92,000 a year. This, in turn, could help to reduce the \$8 a quarter student fee increase to \$5.75-\$6.00. Senator Anderson observed that although investors would lose money by accepting \$830 for each \$1,000 of par value, they might be willing to do so to free their capital for investments which return higher interest rates than the 4.6 percent rate on the Colorado State University bonds.

A second suggestion by Senator Anderson involved the initiation of a Colorado State University-University of Colorado football game in Denver from which each school might realize as much as \$100,000 a year.

A Proposal by Representative John Vanderhoof. Representative Vanderhoof suggested that it might be difficult to reduce expenditures for football and basketball and continue to compete in the Western Athletic Conference. In addition, it is doubtful that the NCAA will change its rules to facilitate a reduction in intercollegiate athletic costs. Finally C.S.U. is in somewhat of a unique position since, unlike many other schools in the W.A.C., there are a number of football teams in close proximity to one another in Colorado: C.S.U., C.U., Air Force, and the Broncos. All of these teams compete for spectator support. As a result of these factors, suggested Representative Vanderhoof, Colorado should initiate a regional athletic compact composed of eight or nine states in the area with teams currently represented in the Rocky Mountain, Big Eight, and Western Athletic Conferences. This approach would be initiated through the offices of the Governors of the participating states; the goal would be to reasonably limit expenditures for intercollegiate athletics instead of the present practice whereby each state tries to outdo the other in building up intercollegiate teams.

Joint Election of the Governor
and Lieutenant Governor

With the approval by Colorado voters of Amendment No. 1 at the general election of 1968, Section 3 of Article IV of the Colorado Constitution was amended to read as follows:

Section 3. The officers named in section one of this article shall be chosen on the day of the general election, by the qualified electors of the state. THE GOVERNOR AND THE LIEUTENANT GOVERNOR SHALL BE CHOSEN JOINTLY BY THE CASTING BY EACH VOTER OF A SINGLE VOTE APPLICABLE TO BOTH OFFICES. The returns of every election for said officers shall be sealed up and transmitted to the secretary of state, directed to the speaker of the house of representatives, who shall immediately, upon the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of the members of both houses of the general assembly, who shall for that purpose assemble in the house of representatives. THE JOINT CANDIDATES HAVING THE HIGHEST NUMBER OF VOTES CAST FOR GOVERNOR AND LIEUTENANT GOVERNOR, AND the person having the highest number of votes for ~~either of said offices~~ ANY OTHER OFFICE, shall be declared duly elected, but if two or more have an equal and the highest number of votes for the same office OR OFFICES, one of them, OR ANY TWO FOR WHOM JOINT VOTES WERE CAST FOR GOVERNOR AND LIEUTENANT GOVERNOR RESPECTIVELY, shall be chosen thereto by the two houses, on joint ballot. Contested elections for the said offices shall be determined by the two houses, on joint ballot, in such manner as may be prescribed by law.

The amendment made no provisions with respect to how the Governor and Lieutenant Governor are to be designated by the parties or how these officials are to be nominated at the primary election. In discussing the implementation of the amendment, it was pointed out that under the existing election process there are four alternatives for selecting nominees or designees for Governor and Lieutenant Governor:

(1) Joint designation of two persons at state party assemblies, with each team getting at least 20 percent of the vote appearing on the primary ballot.

(2) Separate nominations for Governor; each candidate receiving 20 percent of the assembly vote would submit their choices for Lieutenant Governor to the delegates. The delegates

would vote again and that individual receiving a majority vote would be accepted.

(3) The person receiving the highest number of assembly votes for Lieutenant Governor would go on the primary ballot with the person receiving the highest number of votes for Governor.

(4) Open conventions and open primaries for both offices, as is now the case. Under this system, the team concept would apply only to the general election.

Three bills were introduced in the 1969 Session on the Joint election -- H.B. 1329, 1395, and 1448. H.B. 1329 took the fourth approach to the problem, i.e., open primaries and open assemblies. H.B. 1395 and 1448 both required that assemblies choose teams to run in the primary. H.B. 1395 did not specify how the joint designees were to be chosen. H.B. 1448 took the first approach outlined above, i.e., it required that only one ballot be taken for both designations. Joint designees were to receive 20 percent of the assembly vote. H.B. 1448 was the only bill reported out with favorable recommendation; however, it was amended in such a manner that the team concept would apply only to the general election, not the primary election as it originally provided.

The Committee reviewed the concepts embodied in the three bills in addition to a new bill draft drawn up by the Legislative Drafting Office. In addition, the Committee asked Governor Love and Lieutenant Governor Hogan for their general observations on the issues accompanying the joint election. In an appearance before the Organization Committee, Governor Love discussed: (1) the duties and salary of the Lieutenant Governor; and (2) the designating and nominating procedure that should be followed for the two officers.

Governor Love said that he believes that the Lieutenant Governor should be given adequate compensation, office space, and related facilities. He said the position of Lieutenant Governor should be a full-time job and that the Governor and his administration would reap benefits once the Lieutenant Governor is available full-time. This recommendation, Governor Love said, is in accordance with the increasing demands being made on governors and the demands made by society for more government involvement.

There are many ceremonial aspects of the Office of Governor that require attention that the Lieutenant Governor could attend to once the two officers are elected on a joint ticket. Governor Love said that many administrative duties could also be accomplished by the Lieutenant Governor. However, in order to provide maximum flexibility, such duties should not be specifically designated by statute.

Governor Love also said that the current constitutional provision relating to the Governor's absence from the state and his disability also point to the need for continuity and are good arguments for having the Lieutenant Governor and the Governor from the same party.

The Governor said that he could make no specific recommendations on what salary the Lieutenant Governor should receive, other than it should be something less than the Governor's salary. He did note, however, that if the Lieutenant Governor is not from the Denver metropolitan area, perhaps consideration should be given to providing him with a housing allowance in addition to his salary. Governor Love also mentioned providing the Lieutenant Governor with transportation.

Concluding his remarks, Governor Love said that his suggestions are intended to strengthen the Office of Lieutenant Governor.

Concerning the process of selecting the candidates for Governor and Lieutenant Governor who will run in the general election as joint candidates, Governor Love said that he was not prepared to mention specifics. However, if the two are going to operate effectively in an administration, provision should be made to assure that the joint candidates have rapport and mutual respect. As a possibility for helping to assure that the two candidates are compatible, Governor Love cited the Michigan system of nominating the Governor and Lieutenant Governor. Under the Michigan system, a party's gubernatorial candidate is nominated by a direct primary held in August and his running mate is chosen at the party's convention held in September. Another possibility, Governor Love said, is to enact legislation, similar to the draft-bill before the Committee, which would provide that a "team" would run in the September primary election.

The Governor said that he was not suggesting that Colorado change its whole nominating and designating processes to accord with the Michigan system; instead, Michigan was used as an example of a state which appears to have found a solution to the problem before the Committee. Governor Love added that he does not want to depart from Colorado's system of holding designating conventions, for they represent a screening process that could even be emulated on the federal level.

Governor Love said that he could see no particular good in continuing to retain the Lieutenant Governor as President of the Senate. He should be considered and used as a full-time officer in the executive department. There appears to be little merit to the argument that the Lieutenant Governor fosters better liaison with the legislature. He does possess some power since he is given the authority to select conference committees. Governor

Love said that ultimately he should be a member of the executive department, and not part of the legislature.

Lieutenant Governor Hogan submitted the following comments on the implementation of the Amendment No. 1:

"1. Method of selection of candidates for lieutenant governor:

"I do not favor the concept of the persons designated for governor choosing their running mate. I have a feeling that we are tending to look at this problem far too subjectively as it might apply to 1970. I believe we have an obligation to pass laws that apply more broadly. I don't believe a system where two people team up from announcement time or convention time is right. Two candidates for nomination as lieutenant governor might want to run with the same gubernatorial designee or vice versa.

"I believe there is a lack of democracy in having a governor-designee knight his personal choice after he wins a primary. I think that the Democratic Party's Chicago 'debacle' forcefully drove home the point that people today are deeply involved and care deeply about political issues and political leaders. I do not believe the people will tolerate the direct or subtle loss of their voice in the candidate selection process.

"I think it would be unfortunate if a governor-designee were forced to run with an unfriendly lieutenant governor candidate. However, if a gubernatorial nominee were concerned, he certainly could exert leadership to influence his party's choice.

"As a general concept, I favor a bill giving the party's delegates in convention the right to designate candidates for both offices. The two who win the primary election for governor and lieutenant governor would be the party's team for the general election.

"2. Duties of the lieutenant governor:

"I favor retention of the constitutional provision providing for the lieutenant governor to serve as president of the Senate and as acting governor when the governor is out of the state. I definitely oppose further specifying by law the duties of the lieutenant governor. The governor ought to use the lieutenant governor in a variety of roles and both officials would be limited by a legislative dictate.

"I hope that proponents of the measure to remove the lieutenant governor as president of the Senate will fail to receive support of the necessary two-thirds of the legislative bodies to place this revision to the constitution on the ballot.

"In our state the president of the Senate cannot break a tie to pass a bill. Eighteen votes can override any of his actions. If we want an effective communication bridge between the legislative and the executive, I can think of none better than having a lieutenant governor in that position. This is true whether the Senate is or is not in the control of his political party.

"3. Salary of lieutenant governor:

"I am complimented that the gentlemen of the legislature decided shortly after I took office as Lieutenant Governor that the job was worth more than \$4,800! Seriously, in my judgment, the decision to raise the salary to \$10,000 was a bad decision. At least the people know that with a salary of \$4,800 I have to do other work to exist; whereas \$10,000 sounds like a full-time effort is expected and implies that a man should remove himself from outside business. The salary should be set at a more appropriate level if a full-time effort is expected."

A Review of Other Joint Election Laws

A review of election laws in the nine other states that elect the Governor and Lieutenant Governor jointly was undertaken in an attempt to determine how candidates for the two offices are nominated. Table 6, page 29, gives a summary of the nominating procedures followed in each state. Also given opposite each state is the year in which the provisions for the joint election of the Governor and Lieutenant Governor were adopted.

States Having Direct Primaries for Nomination. As shown in Table I, direct primaries for nominating candidates for Governor and Lieutenant Governor are held in Alaska, Hawaii, New Mexico, Pennsylvania, and Wisconsin. So far as can be determined from reviewing the election laws of these five states, there are no formal procedures established for parties to endorse or designate particular candidates for these two offices before the primary. The election laws also indicate that candidates for nomination are voted for separately at primaries and do not run as joint candidates for nomination.

The state most nearly analogous to Colorado's system of holding designating assemblies before the primary is Massachusetts. However, nothing was found in the Massachusetts' statutes stipulating that candidates for nomination for Governor and Lieutenant Governor are chosen in pairs at party designating assemblies.

Prior to 1967, when a direct primary system was instituted, New Mexico held pre-primary designating conventions for elected state officers, but designees for Governor and Lieutenant Gover-

TABLE 6*

States Providing for Joint Election of
Governor and Lieutenant Governor

<u>State</u>	<u>Year Implemented</u>	<u>Method of Nominating</u>
Alaska ^{1/}	1956	Direct primary.
Connecticut	1962	Combination of convention and direct primary. That is, a post-convention primary can be held if convention action is contested by a candidate who received at least 20 percent of convention votes and who obtains 5,000 party signatures on a petition.
Hawaii	1964	Direct primary.
Massachusetts	1966	Pre-primary endorsing conventions are held. Any candidate failing to receive 20 percent of convention vote must collect 10,000 signatures in order to be eligible for the primary.
Michigan	1963	Governor chosen at primary, Lieutenant Governor chosen at post-primary convention.
New Mexico	1962	Direct primary.
New York	1953	State-wide candidates are designated by the State Central Committees. Primaries may be required by anyone receiving 25 per cent of the votes of a committee, or by candidates securing 10,000 signatures on petitions.
Pennsylvania	1966	Direct primary.
Wisconsin	1966	Direct primary.

*Source: The Book of the States, 1968-1969, The Council of State Governments, Chicago, Illinois, 1968, pp. 21-23, and election codes of the various states.

^{1/} In Alaska, the Secretary of State is synonymous with the Lieutenant Governor and is chosen in lieu thereof.

nor were chosen separately and appeared separately on the primary ballot.

States Having Nominating Procedures Facilitating Joint Nominations. However, a review of the election laws of Connecticut, New York, and Michigan indicated that the "team" concept for Governor and Lieutenant Governor extends to party nominating procedures as well as to the general election.

(1) Connecticut. For instance, in Connecticut a post-convention primary is held only if the convention's action is contested by a candidate for nomination who has received at least 20 percent of the pre-primary convention vote. The Secretary of State must also receive on the potential candidate's behalf a petition signed by 5,000 party members.

If none of these conditions are met by a candidate who was not endorsed by the convention, Section 9-416, General Statutes of Connecticut, provides that no primary shall be held.

However, in the event a primary is held, no provision in the election code was found stipulating that candidates for nomination for Governor and Lieutenant Governor shall run as joint candidates in the primary.

(2) New York. Prior to 1967, party nominations for state offices were made at state conventions or by the state central committees. But in 1967, the New York Election Law was amended to provide that party nominations can be made either by state central committees or at a direct primary election, as described below.

Under the new system, state central committees at pre-primary meetings designate by majority vote individuals for each state office to be filled.

In addition, however, central committees must certify for party designation any other candidate who receives 25 percent or more of the votes. But a candidate in this category must also make written demand to the Secretary of State for the entry of his name on the primary election ballot.

Write-in candidates are also permitted at the primary. But section 136 of the Election Law provides that a "designating petition," containing 10,000 signatures of enrolled party members, must be filed with the Secretary of State on the write-in candidate's behalf before his name can be written-in.

If, as described, more than one candidate for an office is designated, section 131 of the Election Law stipulates that "the nomination of the party shall be made at the primary election." Candidates for Governor and Lieutenant Governor would

then appear on the primary ballot separately, pursuant to section 108, and would not run as joint candidates in the primary.

(3) Michigan. If the nominating processes in both Connecticut and New York can be interpreted as procedures which enhance a gubernatorial candidate's chances of having a voice in determining who his running mate might be, Michigan's election code is even more definite in this regard.

For instance, when Michigan adopted its new constitution in 1963, provision was made for electing the Governor and Lieutenant Governor jointly at the general election. The direct primary method of nominating individuals for both offices was also modified in 1963. A party's candidate for Governor is still chosen in a direct primary held in August. But Section 6.1072 of the election code was amended to provide that the party's candidate for Lieutenant Governor is to be chosen at the state convention held after the primary. Thus, under Michigan's revised nominating system it appears clear that whoever is chosen as a party's gubernatorial candidate at the primary will have a voice in choosing his running mate at the subsequent party convention.